



SOLIDARITY UNIONISM AND THE RIGHT TO STRIKE

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Cover photo ("Defend the Right to Strike") taken by author, at the 1st of May 2019 demonstration in Stockholm, organised by SAC Syndikalisterna

“The philosophers have only interpreted the world, in various ways. The point, however, is to change it.”

Karl Marx, Eleven Theses on Feuerbach.

“Nowadays, anyone who wishes to combat lies and ignorance and to write the truth must overcome at least five difficulties. He must have the courage to write the truth when truth is everywhere opposed; the keenness to recognize it, although it is everywhere concealed; the skill to manipulate it as a weapon; the judgment to select those in whose hands it will be effective; and the cunning to spread the truth among such persons.”

Bertolt Brecht, Galileo.

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Introduction

Ever since 2016, a new wave of worker struggles has been emerging in Europe; workers in the so-called “gig economy”, hardly recognised as employees in most countries, have nevertheless been organising and have since proved themselves capable of mass collective action.¹ A number of small yet prominent unions, which either supported platform workers or were created by them, have been salient actors in those struggles, as one of the many forms of organising these workers have utilised.² Recently, those unions have been drawing the attention of scholars working for international organisations, like the European Trade Union Institute (ETUI)³ and the International Labour Organization (ILO).⁴ Hannah Johnston and Chris Land-Kazlauskas link the developments in the industrial conflicts within the platform economy in the US with those happening in Europe, specifically in the UK,⁵ and remark, agreeing with sociologist of labour Ruth Milkman, that these aspects of the 21st century labour movement* are resembling those from one hundred years ago.⁶ Progressively abandoning the mainstream unions' principle strategies of “lobbying activities, electoral politics, and workplace majority unionism”,⁷ workers are once again opting for tactics such as direct action and vibrant outreach, in ways that emulate labour organizing in the beginning of the 20th century.⁸ Kurt Vandaele's paper for the ETUI, maps these developments of platform economy struggles around Western Europe, and presents them as a possible future of unionism,⁹ in an era when, according to, inter alia, Ad Knotter, the massive decline in union membership and density in many countries and the growing ideological impact of neoliberalism have resulted in a

major crisis of relevancy for trade unions.¹⁰

In Erik Forman's opinion, it is exactly this crisis that induced labour activists to look outside the mainstream unionism's framework, "for a source of union renewal."¹¹ Despite industrial relations scholars, like Janice Fine, underlining the importance of autonomous institutions "to all workers playing a meaningful and constructive role in their workplaces, labour markets and larger political economies",¹² "attention has been overwhelmingly and unduly focused on revitalizing and expanding membership in existing labor unions, often without the direct involvement of the workers themselves" according to Immanuel Ness.¹³ This study will attempt to shed some light upon important, yet often neglected, alternative forms of worker self-organisation. Agreeing with Milkman's assertion that these forms are nothing new, this study proposes that many of them belong to an unionising framework called "solidarity unionism", developed in the early 1900s as an important, if somewhat marginal, alternative to mainstream unionism; in addition, this study will present that solidarity unions were established and developed throughout the 20th century around the world. One salient reason behind solidarity unionism's lack of recognition, is that it was heavily, and more often than not violently, repressed. Mostly adhering to radical* approaches to industrial relations and prioritising industrial action over collective bargaining, those organisations were targeted not only by governments and employers, but also occasionally by mainstream unions. As this study will present, various limitations to the right to strike and industrial action in general have been a prominent method to curb radical unionism in the past, including curtailing the activities of solidarity unions, which is unsurprising considering the reliance of those

organisations on collective action.

Thus, this study will seek to answer the following research question(s): *what exactly is “solidarity unionism”, what is its relation with industrial action and whether and to what extent it affects and it is affected by the recent reforms of the right to strike in certain countries*; questions that this study considers vital for the future of trade unionism.

Taking into consideration the active and dynamic character of any process centred around or involving the clashing interests of social classes and the resulting conflicts, this study's analysis will utilise a dialectical materialist approach, specifically adhering to Karl Marx and Friedrich Engels' historical materialism. As China Mieville aptly presented, historical materialism has two key aspects; first, it perceives the world as a dynamic totality, and attributes historical motion to the inherent contradictions of that totality, i.e. the aforementioned conflicts between social classes;¹⁴ second, historical materialism considers that ideas and ideational structures, for example those of law, are ontological derivatives of material circumstance, i.e. of objective reality,¹⁵ since, as Leon Trotsky said, “(m)aterialism [...] does not liberate matter from its materiality”.¹⁶ It is important to keep in mind both those aspects; disregarding the second one results in a wholly metaphysical and idealist approach to history, while disregarding the first one, either by ignoring the ever-changing character of social relations or considering certain social factors as salient over others in determining those relations, transforms historical materialism into a highly deterministic, “meaningless, abstract, senseless phrase”.¹⁷ Finally, this study will adhere to Richard Hyman's suggestions, presented in his

salient work, *Trade Union Research and Cross-National Comparison*,¹⁸ that, when comparing the situation in different countries, it is useful to focus on cases which are similar in one respect and different in others. In a way, it is a “stroke of luck” for the purposes of this study that the three European Union Member States which have most recently reformed their right-to-strike legislation – Sweden, Greece and the United Kingdom – have had a long tradition of solidarity unionism, while they are considered to be vastly different by a variety of categorisation schemes, such as Peter A. Hall and David Soskice's *Varieties of Capitalism*,¹⁹ as well as Eurofound's analytical framework.²⁰

This study will be structured as follows. The first chapter will provide an attempt to define solidarity unionism; since it was developed as an alternative to mainstream unionism, the chapter will begin with examining certain possible problems plaguing the latter. Those problems vis a vis mainstream unions' aspirations, their structure and their methods, which could be rooted both on external as well as inherent factors, are possible motives for the development of alternatives. After those motives are established and a definition of solidarity unionism is provided, a theoretical comparison between the two modes of unionism will be presented, to showcase the potential usefulness of solidarity unions for the labour movement's future. The second chapter will present a historical overview of solidarity unionism from the early 1900s and throughout the previous century, through the non-exhaustive mapping of various national and international examples.²¹ This is necessary for a number of reasons; first, to show that solidarity unionism never truly disappeared; second, to present the links of solidarity unionism with both workers' rising

radicalism as well as direct industrial action; third, to underline the role the employers and the state played in solidarity unionism's repression and apparent disappearance. The importance of those reasons will become evident with the examination of contemporary manifestations of solidarity unionism in the third part of that chapter, where the hostile stance of mainstream unions towards solidarity unionism will also be presented. The second chapter's final part will focus on a presentation of historical examples of cooperation between the two modes of unionism. *Nota bene* that this chapter will resemble what Hyman called a “multi-national study, which involves sequential accounts of separate national experience [...] but with little or no attempt to provide comparative analysis.”²² The third chapter will focus on the significance of strikes, pivoted from a brief overview of the related United States labour laws – US being the birthplace of solidarity unionism – and will continue with a critical evaluation of strikes as a means to fight for workers' rights.

The fourth chapter will delve into the international approaches to the right to strike, by presenting the most salient organisations position on the matter. Although it will begin with the approaches of the United Nations, the Council of Europe and the European Court of Human Rights, the chapter will mainly focus on the European Union (EU) and its Court of Justice (CJEU). The primary aim of this chapter is not only to present the stance of the EU and the CJEU towards industrial action, but to showcase the connection between the policies facilitated by the EU institutions, to the limitations of workers' rights, including the right to fight back against those policies. While primarily a juridical chapter, its narrative will be briefly interrupted by the presentation of the initial reactions certain

workers had to the decisions of the CJEU. Another primary aim is to provide the international context of the period vis a vis the right to strike, which is why the chapter ends with an, albeit brief, presentation of the right-to-strike crisis in the International Labour Organisation. The final three chapters will each focus on a different national case, specifically the United Kingdom, Greece and Sweden. The chapters will present the changes to the strike legislation in each country as well as the recent development and activities of solidarity unionism and an assessment whether those activities were, at least in part, the cause of those reforms. It should be noted that investigating the new manifestations of solidarity unionism in Europe is no simple matter; they constitute a fairly novel, and a not yet well studied phenomenon, with most studies on the subject concentrating on the organizations created by certain categories of platform workers. As a result, this study relies heavily, but of course not exclusively, on the accounts of the workers who are active in solidarity unions; a great deal of those accounts are collected through a process known as Worker Inquiry,²³ in most cases contacted by academic workers who are also active in those organisations. Those vibrant accounts can provide not only information on what those organisations do, but, perhaps more importantly, what their members' motives are and what they believe they accomplish. The conclusion will provide a brief comparison of the three national right-to-strike reforms, based on whether and to what extent solidarity unions are affected by those changes. Finally, building on the developments presented in the study and its conclusions, some final remarks vis a vis the future of (solidarity) unionism will be made.

1 Callum Cant, 'Precarious couriers are leading the struggle against platform capitalism' (*Politicalcritique.org*, 3 August 2017)

<<http://politicalcritique.org/world/2017/precarius-couriers-are-leading-the-struggle-against-platform-capitalism/>> accessed 7 June 2019; Callum Cant, 'The wave of worker resistance in European food platforms 2016-17' (*Notes From Below*, 29 January 2018)

<<https://notesfrombelow.org/article/european-food-platform-strike-wave?fbclid=IwAR2gUfeBBIEw9EoAJeHhUzbL5jXDv791jBPnoHVWGxcOzI OmhQarwSqWBU>> accessed 14 May 2019.

2 Kurt Vandaele, *Will trade unions survive in the platform economy? Emerging patterns of platform workers' collective voice and representation in Europe* (ETUI 2018).

3 Ibid.

4 Hannah Johnston and Chris Land-Kazlauskas, 'Organizing On-Demand: Representation, Voice, and Collective Bargaining in the Gig Economy' [2018] (94) *Conditions of Work and Employment Series*.

5 Ibid.

* See Glossary.

6 Ruth Milkman, 'Back to the Future? US Labour in the New Gilded Age' [2013] 51(4) *British Journal of Industrial Relations* 645–665.

7 Ibid.

8 Ibid; Hannah Johnston and Chris Land-Kazlauskas (ibid).

9 Kurt Vandaele (ibid).

10 Ad Knotter, *Transformations of Trade Unionism* (Amsterdam University Press 2018) 12.

11 Erik Forman, *Revolt in Fast Food Nation: The Wobblies Take on Jimmy John's*. in Immanuel Ness (ed), *New Forms of Worker Organization* (PM Press c2014) 212.

12 Janice Fine, 'Alternative labour protection movements in the United States: Reshaping industrial relations?' [2015] 154(1) *International Labour Review*.

13 Immanuel Ness, *New Forms of Worker Organization*. in Immanuel Ness (ed), (ibid) 3.

* See Glossary.

14 "Understanding that material and social reality is total but not static is key to the Marxist dialectic, the logic of which is the logic of dynamic contradictions within a material totality – the unity of opposites." (China Mieville, *Between Equal Rights – A Marxist Theory of International Law* (Haymarket Books 2006) 5).

15 Ibid 4.

16 Philip Pomper and Yuri Felshtinsky, *Trotsky's Notebooks, 1933-1935: Writings of Lenin, Dialectics and Evolutionism* (IUniverse 1999) 77.

17 Friedrich Engels, 'Engels to J. Bloch' (*Marxists.org*, 21 September 1990) <https://www.marxists.org/archive/marx/works/1890/letters/90_09_21.htm> accessed 27 June 2019.

18 Richard Hyman, 'Trade Union Research and Cross-National Comparison' [2001] 7(2) *European Journal of Industrial Relations* 203-232.

19 Peter A Hall and David Soskice, *Varieties of Capitalism: The Institutional Foundations of Comparative Advantage* (Oxford University Press 2001).

20 Eurofound, *Mapping varieties of industrial relations: Eurofound's analytical framework applied* (Publications Office of the European Union 2017).

21 Although examples from Greece, Sweden and the UK will be largely omitted in this chapter to avoid repetition in the final chapters.

22 Richard Hyman, 'Trade Union Research and Cross-National Comparison' [2001] 7(2) *European Journal of Industrial Relations* 203-232.

23 Salar Mohandesi & Asad Haider, 'Workers' Inquiry: A Genealogy ' (*Notes From Below*, 29 January 2018)

<<https://notesfrombelow.org/article/workers-inquiry>> accessed 27 June 2019.

Chapter 1 – Defining Solidarity Unionism

1.1 An Alternative Form of Unionism

Solidarity unionism is an umbrella term for a number of alternatives to mainstream unionism. Consequently in order to properly comprehend the term, it is necessary to begin this study with deducing at least some general categories of reasons why some workers seek to develop such alternatives, i.e. the problems that some workers had with the mainstream forms of unionism. It should be borne in mind, however, that different circumstances lead to very different answers to that question and very different outcomes vis a vis the form those alternatives take, according, inter alia, to the unique national traditions of labour organizing in each country and the form of unionism that is dominant in each era. Moreover, nota bene that this study presents the concepts of “mainstream unionism” and “solidarity unionism” as the two opposing sides of a spectrum. This presentation is, in fact, a generalized and, perhaps, over-simplified one. Differentiations between these two archetypes and real-life examples are not only possible, but probable.

1.1.1 “Ruthless” Criticisms of Mainstream Unionism¹

Reformism and Discrimination

Solidarity unionism was initially developed in the United States of America, as part of the rising conflicts between the advocates of craft unionism, and the supporters of industrial unionism, during the early days of the 20th century.² According to Marion Dutton Savage, craft unionism was the mainstream

form of workers' organization in the US during the late 19th and early 20th century; it refers to the formation of different unions based on different trades,³ and, as a result of craft unions being centred around specific trades, their membership was comprised, predominantly, by skilled workers.⁴ According to Selig Perlman, the most salient example of craft unionism in that era would be the various construction unions formed within the American Federation of Labor (AFL).⁵ Craft unions were, and still are in some occasions,⁶ criticized primarily on two grounds; their narrow demands, and their highly discriminatory policies, facilitated by their dedication to protect the interests of their high-skilled members, by excluding unskilled or semi-skilled workers.⁷

Those criticisms were the seeds for the development of a variety of alternatives. The former criticism had two interrelated aspects. First, the craft unions' actions and demands were not facilitating workers' solidarity, nor were advancing the interests of the working class* in its entirety.⁸ The second aspect, originating in the revolutionary circles of the time, was targeting the reformist* character of the major unions; a criticism referring not only to the craft unions of the US, but to the mainstream unions in Germany and the United Kingdom as well. Mainstream unions were under tremendous criticism from early on in their development. In 1885, Friedrich Engels described the main trade unions in England as “the organisations of those trades in which the labour of *grown-up men* predominates, or is alone applicable.[...] They form an aristocracy among the working class; they have succeeded in enforcing for themselves a relatively comfortable position and they accept it as final.[...] they are very nice people indeed nowadays to deal with, for any sensible capitalist in particular

and for the whole capitalist class in general.”⁹ In her famous book *Social Reform or Revolution?*, Rosa Luxemburg stated that “the objective conditions of capitalist society transform the two economic functions of the trade unions into a sort of labour of Sisyphus” – the two economic functions being the defence of labour-power against the profit system and the improvement of the condition of the workers.¹⁰ According to Daniel Gaido, the bureaucratization and increasing conservatism of the union leadership in both Germany and the US at the time, were made clear by the article Karl Kautsky wrote in 1909 about Samuel Gompers, the president of the AFL; a Dutch immigrant and a former protégé of the German-American Marxists, “towards the end of the nineteenth century Gompers became increasingly conservative, under the influence of the craft-labour aristocracy that he came to represent.”¹¹ Some years before, Kautsky endorsed Luxemburg's point of view, when “he wrote that, in opposition to the Social-Democratic Party's final aim (the abolition of capitalism), ‘the union work, indispensable and beneficial as it is, might be called a labour of Sisyphus, not in the sense of a useless work, but in the sense of a work that never ends, and that must be every time began anew’ in order to maintain the gains of the unions’ struggle.”¹² It is important to note here that, as Kautsky's argument showcases, at least some of the mainstream unions' critics did not aim to besmirch those organizations by accusing them of reformism; on the contrary, they aimed to be constructive, acknowledging that mainstream unions had the best interests of the working class – or, at the very least, those of their members – in mind. In Karl Marx's words, “(t)rade unions work well as centres of resistance against the encroachments of capital. [...] They fail generally from limiting themselves to a guerilla war against the effects of the existing system, instead of simultaneously trying

to change it, instead of using their organised forces as a lever for the final emancipation of the working class, that is to say, the ultimate abolition of the wages system.”¹³

Even though some trade unions consider opposing immigration as a valid option to secure the working conditions of their members to this day, according to Stefania Marino et al,¹⁴ and the leadership positions of mainstream unions are held mostly by men, even in unions with a majority of women members, as Judith Orr presented,¹⁵ the majority of the most grievous highly discriminatory policies of mainstream unions – the aforementioned second criticism – were alleviated with the establishment of industrial unionism as the leading form of worker organization.¹⁶ This came as a result of industrial unionism's basis that all workers in the same industry are organised into the same union, regardless of differences in skill, race, gender etc.¹⁷ Solidarity unionism played a major role in the establishment of industrial unionism as the mainstream form of workers' organizing in the US, but it did not disappear after that came to be; on the contrary, it spread to other countries, providing workers with alternative forms of organizing.¹⁸ Bearing in mind the views of prominent personas within the socialist and labour movement, like the ones presented supra, it is not surprising that workers who sought, or are still seeking, to overthrow capitalism, might have opted to form organizations independent from major unions, be those political parties or trade unions. It is clear that most mainstream unions, including the contemporary ones, adhere to the pluralist view of employment relations, i.e., as Paul Edwards put it, the view that has management realizing the inevitability of conflicts between employers and employees and searching for ways to regulate those conflicts.¹⁹ According

to Sharon Smith, by striving to attain the recognition of governments and employers, not only for their role in the workplace but also as keepers of social balance and peace – as equal partners in the Social Dialogue –, these unions, and the federations they establish, are not considered to be the “schools of war”²⁰ that “contribute greatly to nourish the bitter hatred of the workers against the property-holding class”,²¹ in the eyes of revolutionary workers.²² This argument might not seem important by today's standards, however, according to Savage, the majority of industrial unions in early 20th century US, were “distinctly hoping for the abolition of the capitalist system and the ultimate control of industry by the workers themselves.”²³

The Crisis of Mainstream Unionism

If revolutionary agenda or political radicalism, i.e. advocating and struggling for social revolution*, was a necessary precondition for the development of alternative forms of unionism, including solidarity unions, then those forms of organizing would probably have been a thing of the past. However, throughout the 20th century and to this day, certain manifestations of solidarity unionism, ranging in variety according to the situation, have been developing in countries all over the world.²⁴ In fact, many of those solidarity unions can not be considered radical, at least not based solely on their political agenda;²⁵ Janice Fine provides a list of some of those non-radical solidarity unions in the US.²⁶ In her view, the rise of alternative initiatives in the country originates in the steep decline of collective bargaining and the membership of mainstream unions. Unionism, in her opinion, have been the target of an assault by the bourgeoisie*, often in the form of restrictive legislation.²⁷ This crisis of mainstream unionism is

not confined in the US, but it also affects many countries in Europe, as recent data clearly showcase.²⁸

In addition to the legislative assault by the governments, “those great Trade-Unions of the ruling classes” according to Marx,²⁹ the origins of this crisis can be traced to the shrinking of the manufacturing industry in contemporary post-industrial societies. As José Babiano and Javier Tébar describe, mainstream unions are negatively affected, severely so, by the massive shift of employment from manufacturing to services since the 1980s.³⁰ A similar development is affecting another stronghold of unionism in many western countries, the public sector and the welfare state.³¹ Although, as Paul Pierson argues, governments think twice before limiting the rights of public sector workers, as they are also voters,³² Tonia Novitz convincingly links the assault on unions with the efforts to retrench the public sector in some EU countries,³³ and changes in the Ghent-system* have been considered attacks on unionism by Anders Kjellberg and Christian Lyhne Ibsen.³⁴

Moreover, the membership of mainstream unions is also “greying”, with the gap between old and young members expanding.³⁵ According to Andy Hodder and Lefteris Kretsos, the reasons for low levels of youth unionisation are rooted in the fact that young people are facing an apparent difficulty in finding stable and well-paid employment, the level of which is increasing by the rise in employee insecurity and instability related to the global economic developments of recent years.³⁶ Consequently, young labourers are mainly engaged in low-paid, low-status and precarious work.³⁷ In addition, flexible work arrangements, new forms of employment and highly-mobile immigration are gaining ground in contemporary

economies,³⁸ and those are concepts that are very different from what mainstream unions had to deal with in the past. Additionally, unions might appear in the eyes of young workers as Manuel Castells describes them: passé organizations, intensely addicted to bureaucracy;³⁹ as Jane McAlevey puts it, “(t)here's an informal gestalt in much of academia that [...] *union* equates to 'undemocratic, top-down bureaucracy.’”⁴⁰ It would thus not be surprising that young and/or precarious workers seek or create alternative organizations.⁴¹

Nota bene that the arguments often utilized by governments and bourgeois economists to support that unionism is bad for the economy,⁴² to either explain the decline of trade unionism or to justify the assault on unions, are not incompatible with what was a popular opinion among scholars back in the 19th century; as Karl Marx put it in 1865, “(a) general rise in the rate of wages would result in a fall of the general rate of profit” and that “(t)he general tendency of capitalist production is not to raise, but to sink the average standard of wages.”⁴³ With unions in that era being primarily concerned with raising wages, many of Marx's contemporaries, both in the Right and in the Left, opposed unionism as a whole; the former considering it incompatible with capitalist development, while the latter presenting it as meaningless for the emancipation of the working class.⁴⁴

Inherent Structural Issues

According to Fine, this crisis of mainstream unionism definitely led to an increasing number of workers creating or joining alternative worker organizations;⁴⁵ however, as mentioned above, solidarity unionism has been developing

throughout the 20th century. In addition, solidarity unions have been developing in countries which have not faced a major decline in union membership, arguably due to their Ghent-system,⁴⁶ for example in Sweden.⁴⁷ Thus, similarly to the aforementioned critiques vis a vis reformism, the crisis of unionism can not be the sole cause behind the establishment of these alternative forms of worker organizations. Instead of disregarding solidarity unions as little more than an expression of antiquarian revolutionism by a slim minority of workers, or as products of an external assault on unionism in general, this study proposes that the roots of solidarity unionism lie primarily in the structural characteristics of mainstream unions, and in the issues and problems that, under certain conditions, those characteristics might cause.

The pluralist approach to industrial relations, mentioned supra,⁴⁸ dictates the structure of most mainstream unions. In their efforts to pursue the improvement of their members living and working conditions, mainstream trade unions have become, inter alia, the mediators in the workplace. According to Kurt Vandaele, mainstream unions “are generally accommodating towards employers’ associations and the state”.⁴⁹ It can be safely assumed that this heavily affects the way they are organised internally, since the government and the employers find it more palatable to deal with organizations that resemble their own. In order to fit this role perfectly, mainstream unions have no apparent option than to mimic the hierarchical and bureaucratic structural form of corporations. Staughton Lynd refers to this model of unionism as “business unionism”.⁵⁰ The decision-making of mainstream unions is, according to Lynd, organised top-down, and, although most of them do hold elections periodically, that is the limit of the

participation of their rank-and-file members.⁵¹

The resemblance between mainstream unions and corporations is showcased by the fact that, in order to perform their operations as efficiently as possible, many major unions employ a large workforce; if not directly, then on paid commissions. As Jane McAlevey describes, this workforce is often organised under a strict internal division of labour; in some cases, for example, the organisers, whose job is to bring in new members, take no part in the negotiations of contracts, nor in the contracts' administration, done by union representatives and professional negotiators.⁵² Mainstream unions very often “parachute” their most talented organisers to set up a local*, but after that is over and done with, and membership numbers are deemed sufficient, the contract negotiations and, even worse, the running of the new union are left to the hands of less competent people; this is, in fact, a frequently utilized tactic of mainstream unions in the US.⁵³ Being herself a very successful labour organiser for over a decade, working for both major union federations in the US, the AFL-CIO and the Service Employees International Union (SEIU), McAlevey gives a vibrant account of the internal structural issues plaguing modern unionism. According to her account, for far too long the majority of modern mainstream unions in the US opted to function as lobbying organizations on the national level. In her opinion, this advocacy of labour rights does not pose a serious challenge to those in power, because it fails to utilize the only real advantage workers have over their employers: their massive numbers.⁵⁴ On the local level, most unions function merely as means for employees to file grievances*. When the grievance procedures lead to immediate resolutions of dangerous conditions, this can be an

extremely useful tool, but, always according to McAlevey, this is not how it works in most cases. In fact, “the grievance process is about as effective as shovelling sand with a pitchfork”.⁵⁵ With the grievance being filed, the issue(s) are out of the workers hands and into the hands of lawyers and bureaucrats, and it often takes months, or even years, to get a resolution. Moreover, some union leaders are glad to file grievances for employees, because it helps them build the necessary support to continuously win in their local's elections – which are usually attended only by members with an active grievance filed to be resolved; thus the term “grievance mills”.⁵⁶ With such a system in place, McAlevey concludes, workers are not only alienated from their unions, but they are deprived of any kind of agency or trust in their own power.

McAlevey is also extremely critical of mobilizing tactics, which originated in the social movements of the 60s in the US, and were adopted as the main form of action by the “New Labor” leadership of the SEIU. As McAlevey explains, a mobilizing drive is when a union relies on demonstrations by trade union members and activists, or on boycotts of certain commodities or companies, instead of approaching and actively recruiting employees within the union, and then, if necessary, organise industrial action with those workers. Famous mobilizing labour campaigns are the United Farm Workers struggles in the 60s and 70s, and, more recently, the SEIU's “Justice for Janitors” campaign in the 90s and its “Fight for 15” campaign in the 2000s. Mobilizing tactics are vital for situations where unions are having trouble getting in contact with the workforce, as a case regarding immigrant workers in the Netherlands, presented by Lisa Berntsen and Nathan Lillie, signifies.⁵⁷ In addition, they do utilize the power that derives

from a large group of people. However, as McAlevey's seminal book *No Shortcuts: Organizing for Power in the New Gilded Age* showcases using a number of examples,⁵⁸ when a union utilizes mobilizing techniques to replace creating actual ties with workers, both in the workplace and in the communities, the most important flaws of mobilizing become salient.⁵⁹ The inability of the union to disrupt production, by organizing a form of work-stoppage for example, showcases its lack of influence in the eyes of the management. In McAlevey's experience, the "mobilized" crowd is usually composed of "usual suspects", i.e. the same activists and trade union officials that appear in every demonstration or protest; their number, great or small, is usually a fraction of the workforce or even of the union's membership, further proving the union's lack of influence.⁶⁰

What McAlevey described in her work in the 2010s, comparing solid organizing in the workplace and in the community with plain advocacy and mobilizing, is nothing new. In 1980, Claus Offe and Helmut Wieselthaler made a similar case, using the terms "logic of influence" to describe the notions behind the latter, and "logic of membership" to describe those behind the former.⁶¹ Beverly Silver made a similar distinction in 2003, when she referred to "associational leverage" and "workplace leverage".⁶² One possible reason behind the mainstream unions' insistence to overly rely on advocacy and mobilizing, despite almost 40 years of criticism, are the high monetary costs of organizing drives and long-term strikes, costs that are related to the unions' own paid workforce and to the grievance filling procedures. In addition, as it will be further supported in later chapters, mobilizing and advocacy have a "vicious cycle"-sort of impact within mainstream unions. According to Callum

Cant, utilizing those tactics effectively, which in some cases, as mentioned supra, is necessary, requires a centralized form of decision-making, and there is a certain level of control required to maximize media coverage and political alliances, as well as to maintain top-level deals with major corporations.⁶³ Rank-and-file members are sometimes even considered to be obstacles to those deals; in an interview in 2014, Peter Olney, a now retired long-time national organizing director of the US' International Longshore and Warehouse Union, stated that “We [the national organizing directors] would actually sit in rooms, in annual meetings about the state of organizing, and the discussion would be that workers often got in the way of union growth deals.”⁶⁴

1.1.2 Unionism as a Dialectical Process

To sum up, solidarity unionism's development is directly connected with the shortcomings of mainstream unions. Those shortcomings might be considered as such by a niche category of workers, based on their ideals and political agenda; they can be the real consequences of external factors, like the anti-labour assault mentioned supra; or they can be the result of how mainstream unions are structured. Nonetheless, all of the above are often tightly linked. Case in point, the active exclusion of unskilled labourers by craft unions, a source of solidarity unionism in the early 1900s, and the passive, in most cases,⁶⁵ exclusion of certain categories of workers by contemporary unions, facilitated by the latter claiming that the former are impossible to organise,⁶⁶ are both rooted in the inherent structure of the corresponding mainstream unionism in each era. In the late 19th century, the form of unionism that rose to prominence managed to do so due to, inter alia, the capitalist

class* attacking the other forms,⁶⁷ and those developments facilitated the radicalization of many workers. As it will be presented in later chapters, such links still exist today. *Nota bene* Edmund Heery's transformational approach on unionism;⁶⁸ according to Vandaele, this approach “essentially assumes that organisational forms of unionism are largely an adaptation to the external economic environment and that certain forms are dominant in a certain historical epoch.”⁶⁹ Industrial unions replaced craft unionism as the predominant form of workers' organization, only to be replaced themselves after the 70s by general or multi-sectoral unions, according to Jelle Visser.⁷⁰ Moreover, it is important to define unionism as a means to an end, and thus realise that, unsurprisingly, different situations and different challenges require different approaches, and different versions of unionism.

1.2 Solidarity Unionism

Alternatives to mainstream unionism can take many forms, one of the most salient being solidarity unionism. The term “solidarity unionism” is mostly attributed to Staughton Lynd, and it is closely related to the history of the Industrial Workers of the World (IWW), an international radical union which was founded in the USA in 1905. By Lynd's own definition, “(a)lternative unionism is solidarity unionism. It is relying, not on technical expertise, or on number of signed-up members, nor yet on bureaucratic chain-of-command, but on the spark that leaps from person to person, especially in times of common crisis.”⁷¹ although he made sure to note that “(l)abels are not important. The art of this new kind of organizing is to discern where solidarity unionism is beginning to happen [...]”⁷² When it was first developed, solidarity unionism had

been one of the central pillars of anarcho-syndicalism* ; however, as mentioned supra, a revolutionary or radical agenda is not necessarily part of contemporary solidarity unions. Nevertheless, many of these organizations do adhere to the radical perspective on industrial relations, i.e. recognizing the conflicts of interest between the working class and the employing class as fundamental and insurmountable;⁷³ as such, some of them do consider the abolition of capitalism and exploitative wage-slavery as an end-goal.

In general, according to Lynd and other scholars,⁷⁴ the term “solidarity unionism” refers to workers' organizations – unions in the broad sense of the word⁷⁵ – which do not prioritize seeking recognition from governments or employers, and do not consider collective agreements as the ultimate goal of industrial action. They emphasize rank-and-file organization, i.e. forming a strong, tightly-knit base. They are organizations created by the workers themselves, to serve their own interests, whether those are related to the workplace or the community where they live. Solidarity unions rely directly on the strength of their members and pursue their goals of building power and winning gains through direct action; direct action being, inter alia, sit-ins, workplace occupations, sabotage⁷⁶ and, of course, strikes, as opposed to mediated actions like collective bargaining, electoral politics, negotiations, protests and arbitration. The source of this defiant attitude, which might seem perplexing, can be traced back to solidarity unionism's origins in the early 20th century, an era when the life and labour conditions of the working class were inhumane to say the least, and both the law and the employers were more likely to punish workers for organizing, than recognize them; hence the meaninglessness of both seeking recognition, as well as pursue

collective agreements.⁷⁷ As it will be presented in later chapters, solidarity unions today can take the form of, *inter alia*, workers' collectives, neighbourhood or community committees, solidarity groups and worker centres; it is thus clear that, in addition to a very narrow definition of the term "union" in the national legislation, the organizations' own structure could also be making it impossible to classify them as such.

However, this study will mostly focus on examples that consider themselves to be unions in the narrow sense of the word and are recognized as such in the eyes of the law, being a subcategory of a model of unionism called minority or members-only unionism; a form of unionism in which the workers who are represented and organised within the union, are those who voluntarily joined, rather than the entire workforce of a place of employment.⁷⁸ Minority unionism allows members and organisers to operate under the radar of management, especially in countries or regions with widespread anti-union sentiment.⁷⁹ It is important to note that minority unionism, and, by extension, the formally recognized solidarity unions, are not without possible shortcomings. An employer may not recognize a minority union as a collective bargaining agent for employees who are members, like it is the case with the United Automobile Workers Local 42 at the Volkswagen Chattanooga Assembly Plant in Tennessee.⁸⁰ Striking and organizing pickets may not be an option for minority unions, at least not a legal one, and if such a union is weak and has only a few members, the satisfaction of its demands would rely entirely upon the discretion and timing of management. According to Hannah Johnston and Chris Land-Kazlauskas, "(s)ome critics express concern that minority

unionism can lead to competition between unions for representational rights (Harcourt et al., 2014). Others fear that minority unions are susceptible to company influence and even cooptation (Fine, 2015).”⁸¹

Vis a vis those concerns, nota bene that solidarity unionism is not necessarily opposing mainstream unionism, nor even necessarily competing with it, as it will be presented in later chapters. In Lynd's own words “if, contrary to our expectations, the existing trade unions can democratize and renew themselves, and become a mighty force for social change, we will be glad to be proven wrong. The existing trade unions may drop our grievances, compromise our just demands, and break our hearts, but we are not trying to destroy them.”⁸² Many solidarity unionists are, in fact, dual-carders, i.e. members of both minority unions and mainstream unions.⁸³

In addition, as mentioned supra and further examined in the following chapters, the advantages of contemporary mainstream unionism are quickly shrinking in certain countries; as the anti-labour tide is sweeping some modern societies, labour legislation and collective agreements provide less and less, lowering the standards of living and working for an increasing number of workers.⁸⁴ As for mainstream unions, according to Frank Hendrickx et al, they “are often forced into 'bargaining competition', for example in the context of the re-location of production processes, or transnational business reorganization.”⁸⁵ With capitalism becoming the dominant social system on the planet, the living and labour conditions of certain categories of workers, both in the Global South and in the Global North*, are now as bad, if not worse, as those of western Europe and the US in the early 20th century, when

capitalism was dominating only those societies. In fact, when capitalism is examined in its totality as a global social system, the similarities of now and then are astonishing; just to name a few that can be found even in some post-industrial societies: the salience of the informal economy,⁸⁶ the migration waves,⁸⁷ the work-related deaths and injuries,⁸⁸ the forced labour,⁸⁹ the zero-hours contracts,⁹⁰ the social dumping*,⁹¹ the high unemployment,⁹² the gender inequality,⁹³ the new technologies deskilling labour⁹⁴ and the new forms of employment where labourers are not considered proper employees.⁹⁵ Taking into consideration solidarity unionism's popularity among certain workers in the early 1900s, it is not surprising that is becoming popular once again under these circumstances. Due to these developments, both national and international, studying solidarity unionism becomes essential.

The importance of studying these alternative forms of unionism is rooted both in the past, with the historical contributions to the labour movement and to the working class in general, as well as in the future. Although the history of solidarity unionism will be examined in Chapter 2, it is important to note that these organizations have offered vital support to mainstream unions in the past, and the latter have gained a lot by learning from or cooperating with them. Moreover, in cases that the major unions are recognized by workers as part of the problem,⁹⁶ or in cases where certain categories of workers are excluded from mainstream unions, those workers found solutions within the framework of solidarity unionism.⁹⁷ Case in point, the well-documented popularity of solidarity unions among workers engaged in flexible and precarious work.⁹⁸ Their informal character, as well as their reliance on the collective force of the workers themselves, appeal to workers

who are not formally recognized as employees, like immigrants without papers or bogus self employed; especially since, vis a vis the latter, many trade unions have not yet opened their doors to them.⁹⁹ Moreover, solidarity unionism's model of organizing on a working class basis, i.e. welcoming all workers into the fold, regardless of their current employment status, was very successful in organizing the unemployed in the past,¹⁰⁰ an issue that mainstream unions are struggling with.¹⁰¹

The potential future contributions of solidarity unionism begin to become clear, when the link between the failings of mainstream unionism and its internal structure is recognized. If solidarity unions are actually structured in the way they claim to be, they can potentially have many advantages over traditional unions. According to Ed Mann, those organizations are not concerned with being legally recognized as unions, nor do they rely on the government to enforce decent labour conditions; thus, the dismantlement of labour legislation should matter little to them.¹⁰² By Don White's definition, "solidarity unionism is workplace committee-driven unionism".¹⁰³ However, that is only one aspect of solidarity unions. As presented by Fine, as well as Johnston and Land-Kazlauskas, those organizations are rooted not only in the workplace, but also in the community where people live.¹⁰⁴ Moving from job to job, or being unemployed for a period of time, is the harsh reality for many workers in some countries, especially young people;¹⁰⁵ this model of organizing might be more likely to attract them as members. In addition, it can be extremely useful in sectors where work is, or is becoming, more precarious than ever, and unemployment rates and informal employment levels are high. Solidarity unionism could also be a viable option for highly-mobile professionals and seasonal workers, since some

organizations, like the aforementioned IWW, have branches, committees and representatives in many countries around the world.¹⁰⁶

The internal organization of solidarity unions could also be a potential advantage over traditional unionism. According to Stan Weir's vibrant descriptions, every member of a solidarity union is allowed to take part in all of its functions and everything is organised on a voluntary basis. Decision-making is organised bottom-up, with members in most cases gathering together and discussing the issues at hand, before deciding a course of action collectively.¹⁰⁷ According to solidarity unionists, by putting power directly into the hands of the workers and having no paid union representatives, the formation of a bureaucratic cluster within the union is prevented.¹⁰⁸ Although there are debates, even within solidarity unions, about the usefulness of utilizing paid staff,¹⁰⁹ by primarily relying on the voluntary work of members, solidarity unions do not have to overly consider costs, when deciding on a new organizing campaign for example; mainstream unions are obliged to do so, leading to a number of issues.¹¹⁰

All in all, solidarity unionism provides, at least in theory, a community-based, grassroots approach both to working class problems and to the obstacles the labour movement is facing; whether, and to what degree this is actually the case, will be examined in the following chapters. With the objective of unions nowadays limited to defending workers' rights, it is even becoming hard to remember that, not so long ago, the goal was to advance them. It is possible that solidarity unionism (re)enables workers to network with each other, discuss their individual or collective problems together and

come up with solutions with immediate results. If that is true, then it could build class consciousness, but, perhaps more importantly, it could build class agency; it could raise the workers' expectations, as they realize the potential of their collective action if they are organised as a class. Whether that might be a positive outcome or a negative one, relies solely on the position of the reader; in any case, studying the phenomenon in depth is imperative and well-timed.

1 The title is inspired by the famous letter sent by a young Karl Marx to Arnold Ruge in 1843. “I am referring to *ruthless criticism* of all that exists, ruthless both in the sense of not being afraid of the results it arrives at and in the sense of being just as little afraid of conflict with the powers that be. Therefore I am not in favour of raising any dogmatic banner.” (Karl Marx, 'Letters from the Deutsch-Französische Jahrbücher, Marx to Ruge (Kreuznach, September 1843)' (*Marxists.org*, 20 September 2004) <https://www.marxists.org/archive/marx/works/1843/letters/43_09.htm> accessed 9 June 2019 [emphasis in original]).

2 See Chapter 2.

3 Marion Dutton Savage, *Industrial unionism in America* (The Ronald Press Company 1922) 3.

A contemporary example is unionism in the airline industry, where there are different unions for flight attendants, pilots, traffic controllers etc.

4 Stephen Koppekin, 'Craft Unions vs Industrial Unions' (*Stephenkoppekin.net*, 23 January 2018) <<http://stephenkoppekin.net/craft-unions-vs-industrial-unions/>> accessed 23 May 2019.

5 Selig Perlman, *A History of Trade Unionism in the United States* (The MacMillan Company 1922) 114-116.

6 Mike Parker, 'Are Industrial Unions Better than Craft? Not Always' (*Labor Notes*, 25 August 2008) <<https://labornotes.org/2008/08/are-industrial-unions-better-craft-not-always>> accessed 23 May 2019.

7 The discriminatory policies of the early AFL are well documented (Catherine Collomp, 'Unions, Civics, and National Identity' [1988] 29(4) *Labor History* 450-74; Ernest Obadele-Starks, *Black Unionism in the Industrial South* (2001); Alice Kessler-Harris, 'Where Are the Organized Women Workers?' [1975] 3(1) *Feminist Studies*) and will be presented in Chapter 2.

* See Glossary.

8 Selig Perlman (*ibid*) 116.

* See Glossary.

9 Friedrich Engels, *England in 1845 and 1885*. in Kenneth Lapides (ed), *Marx and Engels on the Trade Unions* (International Publishers 1990) 130-131 [emphasis in original].

10 Rosa Luxemburg, 'Social Reform or Revolution' (*Marxists.org*, 28 November 2008)

<<https://www.marxists.org/archive/luxemburg/1900/reform-revolution/index.htm>> accessed 23 May 2019.

11 Daniel Gaido, 'Marxism and the Union Bureaucracy: Karl Kautsky on

- Samuel Gompers and the German Free Trade Unions' [2008] 16(3) Historical Materialism 115-136.
- 12 Ibid.
- 13 Karl Marx, *Wages, Price and Profit*. in Kenneth Lapidés (ed), (ibid) 95.
- 14 Stefania Marino and others, 'Trade unions, immigration and immigrants in Europe revisited: Unions' attitudes and actions under new conditions' [2015] 3(1) Comparative Migration Studies.
- 15 Judith Orr, *Marxism and Women's Liberation* (Bookmarks Publications 2015) 207-208.
- 16 The process of how this came to be will be examined in Chapter 2.
- 17 Marion Dutton Savage (ibid) 3.
- 18 See Chapter 2.
- 19 Paul Edwards, *Industrial Relations: Theory and Practice* (2nd edn, Blackwell Publishing 2003) 11.
- 20 Friedrich Engels, *The Condition of the Working Class in England*. in Kenneth Lapidés (ed), (ibid) 11.
- 21 Ibid 7.
- 22 Sharon Smith, 'Marxism, unions, and class struggle The future in the present' [2011] (78) International Socialist Review.
- 23 Marion Dutton Savage (ibid) 4.
- * See Glossary.
- 24 See Chapter 2.
- 25 Nota bene the distinction between radical unionism and revolutionary syndicalism; radical unions recognise the conflicts between workers and employers within capitalism as unsolvable and insurmountable, and struggle for the advancement of workers' interests over those of employers; revolutionary, or politically radical, syndicalists consider this struggle as part of the process which will eventually overthrow the capitalist system. See also *infra* footnote # 73.
- 26 Janice Fine, 'Alternative labour protection movements in the United States: Reshaping industrial relations?' [2015] 154(1) International Labour Review.
- * See Glossary.
- 27 Ibid.
- 28 Kurt Vandaele, *Bleak prospects: mapping trade union membership in Europe since 2000* (ETUI 2019).
- 29 Karl Marx, *Letter to Paul and Laura Lafargue*. in Kenneth Lapidés (ed), *Marx and Engels on the Trade Unions* (International Publishers 1990) 112. For more information on Marx's theory on the role of the State as the

collective representative of the general interests of the capitalist class, see Ted W Meckstroth, 'Marx and the Logic of Social Theory: The Capitalist State' [2000] 64(1) *Science & Society* 55-86.

30 José Babiano and Javier Tébar, 'TRADE UNIONS IN THE ERA OF GLOBALISATION' [2018] 1(9) *Workers of the World: International Journal on Strikes and Social Conflicts*.

For the effects of post-industrialization also on the welfare state, see John Myles and Jill Quadagno, 'Political Theories of the Welfare State' [2002] 76(1) *Social Service Review* 34-57.

31 José Babiano and Javier Tébar (ibid).

32 Paul Pierson, 'The New Politics of the Welfare State' [1996] 48(2) *World Politics* 143-179.

33 Tonia A Novitz, 'The EU and the Right to Strike: Regulation Through The Back Door and Its Impact on Social Dialogue' [2016] 27(1) *King's Law Journal* <<https://doi.org/10.1080/09615768.2016.1148289>> accessed 8 May 2019.

* See Glossary.

34 Anders Kjellberg and Christian Lyhne Ibsen, *Attacks on union organizing: Reversible and irreversible changes to the Ghent-systems in Sweden and Denmark*. in T P Larsen and A Ilsøe (eds), *Den Danske Model set udefra -komparative perspektiver på dansk arbejdsmarkedsregulering : Et festskrift til professor emeritus Jesper Due og professor emeritus Jørgen Steen Madsen* (The Legal and Financial Association's Publishers 2016) 279-302.

35 Kurt Vandaele (2019) (ibid).

36 Andy Hodder and Lefteris Kretsos (eds), *Young Workers and Trade Unions: A Global View* (Palgrave Macmillan UK c2015) 1.

37 Ibid.

38 See Damian Raess and Brian Burgoon, 'Flexible work and immigration in Europe' [2015] 53(1) *British Journal of Industrial Relations* 94-111; Irene Mandl and others, *New Forms of Employment* (Eurofound, Publications Office of the European Union 2015).

39 Manuel Castells, *The Rise of the Network Society* (Blackwell 1996).

40 Jane McAlevey, *No Shortcuts: Organizing for Power in the New Gilded Age* (Oxford University Press 2016) 1 [emphasis in original].

41 For some examples of youth-specific organizations in France and the US, see Andy Hodder and others, 'Walking the Tightrope: The Imperatives of Balancing Control and Autonomy for Young Worker Groups' [2018] 45(4) *Sage Journal* 475-500.

42 For some quite randomly chosen examples, see James Sherk, 'What Unions Do: How Labor Unions Affect Jobs and the Economy' (*The Heritage Foundation*, 21 May 2009) <<https://www.heritage.org/jobs-and-labor/report/what-unions-do-how-labor-unions-affect-jobs-and-the-economy>> accessed 25 June 2019 and R Balaji, 'Role of Trade Unions in Manufacturing Concerns' [2014] 3(5) *International Journal of Innovative Research in Science, Engineering and Technology*.

43 Karl Marx, *Wages, Price and Profit*. in Kenneth Lapides (ed), (ibid) 95. For more information on the subject of falling rates of profit and averages of wages and how they relate to the systemic crises especially in the 70s and 2000s, see David Harvey's reappraisal to Marx's views in *The Enigma of Capital* (David Harvey, *The Enigma of Capital and the Crises of Capitalism* (Oxford University Press 2010)).

44 See, for example, Pierre-Joseph Proudhon, 'System of Economical Contradictions or The Philosophy of Poverty' (*Marxists.org*, 1 February 2001)

<<https://www.marxists.org/reference/subject/economics/proudhon/philosophy/>> accessed 25 June 2019.

45 Janice Fine (ibid).

46 Kurt Vandaele (2019) (ibid).

47 See Chapter 2 and Chapter 7.

48 Paul Edwards (ibid).

49 Kurt Vandaele, *Will trade unions survive in the platform economy? Emerging patterns of platform workers' collective voice and representation in Europe* (ETUI 2018).

50 Staughton Lynd, *Solidarity Unionism - Rebuilding the Labor Movement from Bellow* (2nd edn, PM Press c2015) 65.

51 Staughton Lynd (ibid) 65-66.

52 Jane McAlevey, *Raising Expectations (and Raising Hell): My Decade Fighting for the Labor Movement* (Verso 2014) 101-102.

* See Glossary.

53 Jane McAlevey (2014) (ibid) 102.

54 Jane McAlevey, (2016) (ibid) 9.

* See Glossary.

55 Jane McAlevey (2014) (ibid) 93.

56 Ibid 94.

57 Lisa Berntsen and Nathan Lillie, 'Hyper-mobile migrant workers and Dutch trade union representation strategies at the Eemshaven construction sites' [2016] 37(1) *Economic and Industrial Democracy* 171-187.

58 McAlevey's examples come from the US, and, unlike her previous book, are not based on her own experience. This study will support her conclusions, by using examples from the UK in Chapter 5.

59 Jane McAlevey (2016) (ibid).

60 Jane McAlevey (2016) (ibid).

61 Claus Offe and Helmut Wessenthal, 'Two logics of collective action Theoretical notes on social class and organizational form' [1980] 1(1) *Political Power and Social Theory* 67-115.

62 Beverly J Silver, *Forces of Labor: Workers' Movements and Globalization Since 1870* (Cambridge University Press c2003).

63 Callum Cant, 'McNetworks: Two current modes of struggle' (*Notes From Below*, 11 October 2018) <<https://notesfrombelow.org/article/mcnetworks-two-current-modes-struggle>> accessed 15 May 2019

64 Jane McAlevey (2016) (ibid) 51.

65 Some trade unions still refuse to organise immigrants, in an effort to secure the working conditions of their members. See Stefania Marino and others, 'Trade unions, immigration and immigrants in Europe revisited: Unions' attitudes and actions under new conditions' [2015] 3(1) *Comparative Migration Studies*.

66 Freedom News, 'Amid TUC decline, Britain's radical unions grow' (*Freedomnews.org.uk*, 21 December 2017) <<https://freedomnews.org.uk/amid-tuc-decline-britains-radical-unions-grow/>> accessed 15 May 2019.

* See Glossary.

67 See Chapter 2.

68 Edmund Heery, *Trade unions and industrial relations*. in Peter Ackers and Adrian Wilkinson (eds), *Understanding work and employment: industrial relations in transition* (Oxford University Press 2003) 278-304.

69 Kurt Vandaele (2018) (ibid).

70 Jelle Visser, 'The rise and fall of industrial unionism' [2012] 18(2) *Transfer: European Review of Labour and Research* 129-141. Nota bene this is not a unidirectional approach. For example, industrial unionism was popular in the US before the establishment of craft unions (see Chapter 2). Moreover, none of these forms of unionism ever completely disappeared.

71 Staughton Lynd (ibid) 66.

72 Staughton Lynd (ibid) 91.

* See Glossary.

73 Paul Edwards (ibid) 11.

The radical perspective on industrial relations can lead to political radicalism, as mentioned above, but those are not interchangeable concepts; the former refers to the exploitation and conflicts that are rooted in capitalism, the latter to the “uprooting” that is necessary for societal change.

74 See, inter alia, Staughton Lynd and Charles Kerr, *Solidarity Unionism: Rebuilding the Labor Movement from Below* (AK Press c1993) Mike Parker and Martha Gruelle, *Democracy is Power: Rebuilding Unions from the Bottom Up* (Labor Notes c1999) and Stan Weir, *Class War Lessons; From Direct Action on the Job to the '46 Oakland General Strike (Unions With Leaders Who Stay on the Job)* (Insane Dialectical Editions 2006) and *Singlejack Solidarity* (University of Minnesota c2004).

75 A definition that adheres, at least in part, to Colin Crouch’s conceptualization of the “trade union”; Crouch defines the trade union as “an organization of employees who have combined together to improve their returns from and conditions at work” (Colin Crouch, *Trade unions: The logic of collective action* (Fontana Paperbacks 1982) 13).

76 See Dominique Pinsolle, *Sabotage, the IWW, and Repression: How the American Reinterpretation of a French Concept Gave Rise to a New International Conception of Sabotage*. in Cole and others (eds), *Wobblies of the World: a Global History of the IWW* (Pluto Press c2017) 44-58.

77 See Chapter 2.

78 Worker Centers, 'What is a Minority Union?' (*Workercenters.com*, 30 June 2013) <<http://workercenters.com/labors-loophole/what-is-a-minority-union/>> accessed 31 May 2019.

79 Ibid.

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82 Staughton Lynd (ibid) 20.

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85 Frank Hendrickx and others, 'The architecture of global labour governance' [2016] 155(3) *International Labour Review* 339-355.

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* See Glossary.

91 Margaret Levi and others (ibid).

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Press 2014).

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109 For example, Anton J, 'The IWW and Paid Staff' (*Libcom.org*, 10 October 2017) <<https://libcom.org/library/iww-paid-staff>> accessed 31 May 2019.

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Chapter 2 – Solidarity Unionism: From the 19th Century to the Present Day

2.1 The IWW, Anarcho-syndicalism and the American labour movement

Although many of its manifestations are new, solidarity unionism has a long history of providing workers with alternative forms of organizing. In fact, the roots of contemporary solidarity unionism run deep in the history of the labour movement; its fundamental principles and core function were inspired by the Industrial Workers of the World (IWW), commonly known as the Wobblies – a union which will feature prominently in this study. The IWW was established in 1905, in Chicago, by socialist, Marxist and anarchist unionists,¹ including many of the most influential radical political figures in the US at that time, as an alternative to the dominant union in the country, the American Federation of Labor.²

The AFL was a federation of craft unions, which only allowed skilled white male workers as members. According to Selig Perlman, craft unionism evolved from the ability of craft workers to demand more from their employers due to their skills, resulting to them establishing stronger organizations, which pursued narrow interests.³ The Knights of Labour (KoL), a workers' organization that preceded the AFL and organised workers by territory and not by skill, advocated that skilled workers should use that leverage to benefit all workers – a principle of workers' solidarity in their opinion – while the AFL claimed that its purpose was only to protect skilled workers from being reduced to beggars.⁴ During the first decades of the

20th century, the AFL sought to stop workers from organizing on an industrial basis, i.e. on a basis which all workers in the same industry are organised into the same union, regardless of differences in skill, race, gender etc. It prevailed in its clash with both the KoL, as well as against Eugene V. Debs' American Railway Union (ARU), one of the largest labour unions at the time and one of the first industrial unions in the country; the AFL dominance could be attributed, inter alia, to the fact that those organizations faced violent government intervention, injunctions, and force of arms.⁵ However, the AFL's dedication exclusively to the interests of skilled workers, and the fact that, at the time, most skilled workers were white, male US citizens, led to the exclusion of great parts of the American working class from the federation; immigrants, people of colour, women etc., by being unskilled or semi-skilled labourers, were unwanted competition for the AFL's members. According to Catherine Collomp, the AFL vigorously opposed unrestricted immigration, both from Europe and from Asia, and it was highly supportive of, and actively enforcing, the immigration restriction bills from the 1890s to the 1920s,⁶ for example the Emergency Quota Act of 1921.⁷ According to Ernest Obadele-Starks, it sanctioned the maintenance of segregated locals within its affiliates, a practice which excluded black workers altogether from union membership and thus from employment in organised industries,⁸ and, according to Philip F. Rubio, organised labour boycotts on cigars rolled by Chinese workers.⁹ Additionally, by Alice Kessler-Harris' account, the AFL viewed women workers as a labour reserve that kept wages low, or even as strikebreakers. As such, the AFL often opposed women's employment entirely. When it did organise women workers, it did so to protect its members' jobs and earning power, instead

of seeking to improve the conditions, lives, or wages of the female workforce in the country. As a result, in 1900 only 3.3% of working women were union members, an number that was halved by 1910.¹⁰

In 1905, on an initiative from the Western Federation of Miners, a union that had fought a series of violent battles with mine owners over the right to organise mine workers industrially,¹¹ the Industrial Workers of the World (IWW) was established; its main purpose was to organise all workers into one big union, regardless of gender, colour or level of skill, thus opting for an organizational model that combined the One Big Union idea with industrial unionism. The idea that any worker could join the union and then be further organised within the organization, according to their industry, was very unpopular in the US at the time, as it was opposing the agenda of the AFL; it was thus deemed radical and dangerous. The IWW was indeed a radical union. It considered that the working class and the employing class have no common interests, and that the conflict of interests between workers and the employers who exploit them is the foundation of capitalism; thus capitalism can not be reformed to serve the interests of the working masses.¹² That was another major difference with the AFL, since the latter's leaders seemed to think that exploitation is irrelevant, if its terms and conditions are such that allow the workers to live comfortable and prosperous lives; consequently, workers and employers both benefit from a strong and successful economy, the abolition of classes is unnecessary and industrial action should only be used against the overexploitation of workers, and to advance their living and working standards. This reformist opinion, more conservative than the “father” of reformism, Eduard Bernstein,

had in mind,¹³ was, according to Daniel Gaido, shared by most major unions in that era.¹⁴

The IWW's revolutionary agenda, as well as its radical, for the time, organizational model, were heavily influenced by the anarcho-syndicalist movement, which, according to Vadim Damier, the leading authority on the history of anarcho-syndicalism, was very prominent in the late 19th and early 20th century.¹⁵ These ideas came to be influential in the US, during a time period characterized by a massive influx of immigrants from Europe to the Americas; among the hundreds of thousands of migrating people, were a lot of radicals escaping reactionary Europe for the beacon of democracy that was the US. They were soon to be disappointed, though, as the “democratic” government of the US was as hostile towards revolutionaries as the European governments. The Haymarket Affair, maybe the most famous example of state repression against anarcho-syndicalism in the 19th century, greatly influenced the next generation of militants.¹⁶ Lucy Parsons, wife of Haymarket martyr Albert Parsons, was a founding member of the IWW; “Big Bill” Haywood, a founding member and later leader of the IWW, called the Haymarket Affair a turning point in his life.¹⁷

Nota bene that, from a dialectical materialist perspective,¹⁸ it is not hard to see why the ideas and practices of anarcho-syndicalism resonated both with immigrant and native labourers back then. Those revolutionary concepts, which were “haunting Europe”¹⁹ for decades and were now carried across the ocean by immigrating radicals, took root in the destination countries because the life and labour conditions in the Americas were almost as horrible as those back home, if not

worse. According to Jeffrey Helgeson, half of all Americans by 1920 lived in growing urban neighbourhoods, and many of them faced chronic unemployment, poverty, and deep social divides. The legal system did not recognize any worker rights, other than the right to quit, with judges regularly taking the side of employers in the labour market and issuing myriads of injunctions against even peaceful workers' protests; protests which police forces and vigilantes did not hesitate to repress violently.²⁰ As mentioned supra, unskilled and semi-skilled labourers found themselves excluded from most trade unions, which viewed them as hostile competition to their skilled members. The government did not recognize them as proper workers, despite them doing back-breaking life-threatening work in the industries that constituted the backbone of the US economy at the time. By 1900, industrial accidents were killing thirty five thousand and maiming five hundred thousand workers every year.²¹ As Eric Monkkonen details, factory workers on newly mechanized assembly lines became subject to the whims of the global economy; when supply surpassed demand, low-skilled labourers were laid off. With each advance in machine technology, companies shrank their workforce.²² In fact, the economic development of the US benefited greatly from the large mobile workforce of people with a variety of skills, but not necessarily highly developed ones. Labourers found themselves working in lumber mills, docks, mines, fields or the railroad, all within the span of a few months or years. Those with families travelled in large caravans; of course every able-bodied member of the family had to work, regardless of age or gender. In addition, there were those, mostly male, who travelled alone, usually by means of train hopping, i.e. illegally riding in freight trains, risking their lives to move from one place to another, in the

hope that they could secure a few days or weeks of underpaid employment. By Roger Bruns' account, those hobos built the very railroads they travelled on, as well as the sewer systems, water lines, roads, bridges, and homes that have filled up the American West.²³ During periods of extreme unemployment, these seasonal workers created makeshift encampments close to the railroad tracks; those “hobo-jungles” housed hundreds of labourers trying to survive by banding together, as recorded by sociologist Nels Anderson in 1923.²⁴ *Nota bene*, in 1908, according to Todd DePastino, hobos calling themselves the “Overalls Brigade” and led by labour activist J.H. Walsh, travelled back and forth from Seattle to Chicago, and successfully organised hobos, convincing them to join the IWW.²⁵

In the years following the IWW's formation, and up until the early 1920s, its membership rose rapidly, with an increase of around 133% per decade;²⁶ the union reached its peak in 1917, just before the US entered the First World War.²⁷ In that period, the union had established more than nine hundred branches located in more than 350 cities and towns in 38 states and territories of the US as well as in 5 Canadian provinces, including the largest and most powerful longshoremen's union in Philadelphia, the interracial Local 8;²⁸ it published more than 90 newspapers and periodicals in 19 different languages; it organised a number of free-speech campaigns, in addition to more than 450 strikes,²⁹ many of them victorious, the most famous of these being the 1912 “Bread and Roses” textile strike in Lawrence, Massachusetts.³⁰ This apparent popularity of striking, and direct action tactics in general, can also be attributed to the fact that collective agreements were not being legally binding in the US before the 1930s, when the majority

of labour laws were established;³¹ not even the AFL bothered much with collective bargaining.

Unfortunately, the IWW failed to capitalize on its victories and extend its influence. In fact, by the mid 1920s, the union was already in decline, partly due to the heavy repression it faced ever since it was created, and the internal troubles that started just as early. The level of repression escalated after the US entered the carnage of the First World War. The IWW, true to its ideals, opposed the decision of the US government to join the war, and for that it paid a dear price. According to Robert Goldstein, the AFL came into an informal agreement with the government, so the two could coordinate to support the war effort and to destroy radical labour organizations, which were portrayed as traitors undermining the war effort.³² The situation only became worse during the days of the first Red Scare. Overall, in the period between 1906 and 1920, the IWW had to face more than 350 incidents of violence against its members, including, inter alia, beatings, arrests, shootings, kidnappings, murders, torture, executions and false charges of espionage and murder.³³ However, arguably a more salient factor in the decline of the IWW, were the series of internal rifts plaguing the organization almost from its start. From as early as 1906, just a year after the union's formation, issues like the intensity of radicalization, the prioritization of industrial direct action over political action and the stance vis a vis the Russian revolution of 1917, were dividing the union and drove many of its members out, including some of the most influential ones. The most serious of those rifts was, according to Patrick Renshaw, the major split between centralists and decentralists, that occurred in 1924, from which the IWW never fully recovered.³⁴

2.2 An International Overview of Radical Syndicalism in the 20th Century

The beginning of the 20th century was marked by multiple attempts of the labour movement to organise on an international level, attempts that intensified in the years after the First World War. The aforementioned IWW, true to its name and its One Big Union concept, had already established branches all over the world. In addition to active branches in Europe and Chile,³⁵ the IWW was responsible for organizing, inter alia, dock workers in Mexico,³⁶ lumberjacks in Ontario,³⁷ railway workers in British Columbia,³⁸ tramway workers in South Africa,³⁹ coal miners and anti-war activists in Australia⁴⁰ and Maori labourers in New Zealand.⁴¹

On the other side of the spectrum, the traditional reformist unions created the International Secretariat of National Trade Union Centres (ISNTUC) in 1901, which had close ties with the Second International⁴² and was disbanded during the war. It was reorganised, after the war, as the International Federation of Trade Unions (IFTU), and its main function was to lobby national governments and the League of Nations in favour of the International Labour Organization, which was itself established in 1919.⁴³

Both the IFTU and the ILO were created to curb the rising social unrest, which was stirred, inter alia, by the success of the Bolshevik revolution in Russia in 1917, and was spreading all over Europe by Communist parties and their trade unions.⁴⁴ As a respond, the Third International (Comintern)⁴⁵ established the Red International of Labour Unions (RILU), also known as

Profintern, in 1921, to coordinate communist union activity.⁴⁶ Nota bene that, at least initially, Russia seemed to offer a successful alternative to social democratic reformism, so the call for the creation of the RILU was met with great interest by radical syndicalists. Consequently, the founding congress of the RILU did not go as smoothly as the Comintern had hoped, mainly due to a number of delegates advocating for the complete independence of the two organizations. These delegates were in favour of direct action and workers' control of the means of production, instead of political action and participation in the reformist trade unions; one of those delegates was "Big Bill" Haywood of the IWW, who had migrated to Russia.⁴⁷ However, the syndicalist delegates were a minority, and the congress decided to maintain a very close link between the Profintern and the Comintern.⁴⁸

According to Damier, with the Russian Revolution resulting in a wave of syndicalist successes around the world, including the creation of large anarcho-syndicalist unions across Latin America and massive strikes by syndicalists in Europe, anarcho-syndicalism regained some of its lost influence within the workers' movement; during that period, anarchists and libertarian socialists* had extensive influence over the labour movements of Spain and Latin America, and, to a lesser extent, in workers' organizations in the rest of western and northern Europe.⁴⁹ The decision of the RILU to be subordinate to the Comintern, thus tying the priorities of all member unions to those of the Russian state, came as a verification of the dictatorial nature of the Bolshevik state; at the same time, an increasing number of radicals were declaring that the Bolsheviks had betrayed the revolution and its communist ideals. When the Profintern refused to pressure the Russian

government to release independent and anarchist trade unionists from jail, relations between radical syndicalists and the RILU broke down completely. As a result, the International Workingmen's Association⁵⁰ (IWA) was formed at an illegal conference in Berlin in 1922.⁵¹ According to Rudolf Rocker, representatives of workers' organizations from Italy, Argentina, Portugal, Germany, France, Sweden, the Netherlands, Chile and Denmark signed the founding statement of the IWA.⁵² He reported that, despite the absence of delegates from the biggest anarcho-syndicalist union at the time, Spain's Confederación Nacional del Trabajo (CNT), due to them being arrested on their way to the conference, the IWA represented over a million labourers when it was established; with CNT joining the following year, the number was increased by 600,000 members.⁵³ In the years after the inauguration congress, more workers' organizations, from all over Europe and the Americas, eventually decided to join.⁵⁴ The IWW was also considering joining the IWA, but, as it had done with the RILU a few years earlier, ultimately decided not to, with the notable exception of the Chilean branch.⁵⁵

According to Damier, the political developments in Europe and Latin America in the 20s and 30s were the bane of most of these anti-reformist efforts of workers' international organization, in part due to many workers abandoning anarcho-syndicalism and moving towards Bolshevik socialism, but most importantly due to violent repression.⁵⁶ Anti-labour governments and military dictatorships in Latin America drowned the continent in the blood of radical workers, which were perceived and portrayed as Bolshevik agents.⁵⁷ Similar developments destroyed the radical syndicalist movement in eastern Europe and Asia. In western Europe, the rise of fascism

in Italy and nazism in Germany effectively repressed the powerful independent labour unions in those countries; the occupation of most of continental Europe by the Nazis during the Second World War had the same effect on countries like France, for example.⁵⁸ However, the most significant blow to the IWA happened before the war, in Spain. The CNT, with a membership of over 1,5 million by 1936, was one of the major protagonists of the Spanish Civil War. After the victory of the Nationalists, the surviving CNT members had to go into hiding or leave the country.⁵⁹ As for the Bolshevik initiatives, the RILU was terminated in 1937, in favour of the Popular Front plan, and the Comintern itself was disbanded by Stalin in 1943.⁶⁰

Nevertheless, that was not the end of radical syndicalism in the 20th century. Although it never reached the glory days of the early 20s, the IWA has been making efforts to reorganise itself ever since the 50s.⁶¹ Those efforts were somewhat successful after 1980, with a steady rise in membership throughout the 80s and 90s, facilitated by the inclusion of Czech, Slovak, Russian, Serbian and Brazilian sections in the organization.⁶² IWW branches in the US, Europe and Australia also went through a revitalization in the 60s and 70s, albeit a short-lived one.⁶³

In addition to these international organizations from the past, new ones were established, introducing new forms of workers' organization. In China, workers joined the 1989 Democracy Movement by performing wildcat strikes and creating their own independent unions, the Workers' Autonomous Federations (WAFs).⁶⁴ According to Silvia Federici, these organizations' existence was mostly hidden by the media at the

time, in China because they were living-proof that the movement was not a foreign counter-revolutionary plot, and in the West because presenting the struggle as one solely aiming at political liberation better served the foreign policies of the US.⁶⁵ By Au Loong Yu and Bai Ruixue's account, this radicalization of parts of the country's working class, along with the high possibility of a general strike, led to the brutal suppression of the movement by the Communist Party.⁶⁶ Another example is the rise of Operaismo, or workerism, in Italy in the late 60s and throughout the 70s. According to Steven Manicasteri, this movement did not adhere to the anarcho-syndicalist perspective; instead it created a new version of Marxism, autonomous Marxism. Opposing the reformist unions and the political parties of the Left, including the Italian Communist Party, this new movement called for the organization of the entire working class in autonomous worker councils, inspired by, inter alia, the political philosophy of council communism*. The Italian state had to implement every weapon in their arsenal to repress the movement.⁶⁷ Interestingly enough, even in the US during the 80s, the very difficult times for unions and the working class in general that were the Reagan and Bush Sr years, workers still managed to invent new forms of independent organization; the Youngstown Workers' Solidarity Club, Solidarity USA and the Workers Against Toxic Chemical Hazards (WATCH), to name a few.⁶⁸ Those organizations, inspired by, inter alia, the IWW and the Polish Solidarity,⁶⁹ were the ones that prompted Staughton Lynd to coin the term "solidarity unionism".⁷⁰

2.3 The Renaissance of Solidarity Unionism

According to Amrita Chhachhi, the capitalist class' assault

against the workers' achievements – that began in the 80s, intensified after the fall of the Soviet Union and reached its peak during the crisis of 2008 – in addition to the increasing inability of conventional unionism not only to advance, but even to defend the rights of the working class, have forced a steady rise in radicalism among the labour movement in some countries.⁷¹ This prompted a major resurgence of radical syndicalist organizing activity in the 21st century, at national and international level. Old forms of radical unionising, as well as new manifestations of alternative organizing, have been on the rise in Africa, Asia, the Americas and Europe in the last two decades, as Immanuel Ness describes in his introduction to the “New Forms of Worker Organization”.⁷²

With the working and living conditions of workers in many countries resembling those back in the late 19th century, as described in Chapter 1, this resurgence of radical syndicalism should not come as a surprise. A salient example can be found in the struggles the food platform workers in Europe. Between 2016 and 2017, as Callum Cant describes, “a transnational movement of precarious labour has emerged from what appeared to be the most unlikely of circumstances. Workers who were supposed to be weak and powerless have spread their antagonism with capital across borders in militant, unmediated action.”⁷³ Beginning in the UK, the wave of worker resistance in European food platforms spread to the Netherlands, Germany, Spain, Belgium, France and Italy, with 41 incidents in 18 months, involving at least 1493 workers.⁷⁴ Many of those incidents were in the form of strikes, lasting for a number of days even, and in some occasions there was a reported element of transnational synchronicity of those actions.⁷⁵ The organizations behind most of those incidents follow the

formula of solidarity unionism in their fight for economic democracy;⁷⁶ according to Kurt Vandaele, these “activist-based, autonomous, small and recently-established grass-roots unions tend to prioritise their relationship with members”.⁷⁷ Examples include, *inter alia*, the Collectif des coursier-e-s / KoeriersKollektief in Belgium, the Plataforma Riders X Derechos BCN in Spain, the Collectif Livreurs Autonomes de Paris in France, the Deliverunion in Germany, the Deliverance Milano in Italy and the Riders Union in the Netherlands.⁷⁸ This rise in struggles is not confined within the food delivery industry, but it can be witnessed in many sectors of the so-called “gig economy”; a few indicative examples⁷⁹ would be the Amazon strikes in Italy in 2017,⁸⁰ and the Uber and Lyft strike in 2019, that took place in countries in Europe, North America, Africa, Australia and South America.⁸¹ This ever-increasing activity, coupled with the rise of nationwide and even globalised coordination and international networking, are signaling the passing to a new phase for solidarity unions in the gig economy, according to Callum Cant and Jamie Woodcock;⁸² especially since those actions are yielding significant results, like the improvement of employment terms and conditions and the recognition, in some cases, of platform workers as proper employees, and have compelled mainstream unions to reconsider their stance vis a vis platform workers.⁸³ As Cant and Woodcock remark, the new alternative unions, however successful, lack the capacities and resources of mainstream unions.⁸⁴ Although “greater resources from mainstream trade unions could intensify the struggles as well as share experiences within the wider labour movement”, they come with the risk of “bureaucratisation and lack of democracy.”⁸⁵

Nota bene that, even in countries where major unions have open their doors to platform workers, like the largest German union, IG Metall, did in 2016,⁸⁶ many platform workers according to Vandaele continue to opt for solidarity unions, like Deliverunion and the anarcho-syndicalist Freie Arbeiterinnen- und Arbeiter-Union (FAU) in Germany;⁸⁷ this happens despite the fact that the latter organizations are facing union-busting in their endeavours to set up a works council within Deliveroo.⁸⁸ A closer look to some additional national examples reveals more possible reasons behind this revival of solidarity unionism and worker radicalism.

Russia

Extreme legal limitations to the right-to-strike could be a major factor behind the radicalization of parts of the working class,⁸⁹ one that is very important for the scope of this study. Piotr Bizyukov and Irina Olimpieva examined the independent worker struggles in Russia, where the strike options are extremely limited and employees in many sectors, including transportation and healthcare, are forbidden to take any form of work stoppage action.⁹⁰ However, the studies of the Миссия и направления работы (Center for Social-Labor Rights, TsSTP)⁹¹, revealed a significant amount of illegal forms of workers' protesting. These protests included a relatively high amount of radical actions in the form of hunger strikes, enterprise takeovers and blockades of highways. The data also showed the high number of spontaneous protests, organised without any aid or support by unions. Two major examples of such action are the Oil protests in 2006 and the Miners' protests in 2010.⁹² Vis a vis unions in the country, according to Bizyukov and Olimpieva, there are two kinds; the mediating

official unions, which do their best to avoid any confrontation with employers, and the militant free unions. The latter were responsible for the organizing of a number of successful activities in the 2000s and 2010s, including the Ford Motor Company strike of 2007.⁹³

China

Another important factor that might have led to the rise of radical unionism in certain countries, is simply the lack of any other legal and formally recognized alternatives. In China, the All-China Federation of Trade Unions (ACFTU) is the only officially recognized union in the country; it is perceived by parts of the Chinese working class, according to Au Loong Yu and Bai Ruixue, as a part of the Party, rather than an instrument for the workers to challenge their employers, and it has proven more likely to suppress workers' protests than to support them.⁹⁴ Consequently, and despite of the hiatus brought by the violent defeat of the Democracy Movement mentioned supra, workers' radicalism appears to be on the rise once again in the last decade, as Yu and Ruixue describe.⁹⁵ In the struggle against the privatization of the Tonghua Steel Mill in 2009, a large group of workers collectively killed the general manager, with the support of their co-workers.⁹⁶ Although the death of a boss by the hand of a worker was not an unprecedented event in China,⁹⁷ this was the first time it was a collective action; moreover, according to Yu and Ruixue, it led to significant gains for the workers of the plant.⁹⁸ Around the same time, workers fighting against the privatization of the Linzhou Steel Company, inspired by the Tonghua example, locked up a representative of the municipality for ninety hours, an action that also led to the workers' victory.⁹⁹ The workers in both cases

were, of course, acting without any support from the union.¹⁰⁰ In 2010, one of the most famous strikes in the country's recent history took place at a Honda plant. The strikers were asking for, inter alia, the reorganization of their workplace trade union; they were essentially striking against the ACFTU, which was pressing them to get back to work, going as far as to implement physical violence.¹⁰¹ The strike, although it failed, led to a series of solidarity strikes in foreign-owned car factories, and it is one more proof of the ACFTU's lack of credibility, in the eyes of at least some Chinese workers.¹⁰²

*India & South Africa*¹⁰³

In fact, the major traditional bureaucratic unions seem to be, in many cases, one of the greatest obstacles for workers' self-organization. Arup Kumar Sen describes how auto workers in the Maruti Suzuki plant at Manesar, in India, living and working in horrible conditions, fought for months to get recognition for an independent union in 2011; first, for the Maruti Suzuki Employees Union (MSEU), and, when that effort failed, for the Maruti Suzuki Workers' Union (MSWU), which was more successful.¹⁰⁴ By Sen's account, they were up against the extremely violent repression of the state and management, but also the company's union, as well as the local trade union federations,¹⁰⁵ especially the Centre of Indian Trade Unions and the All India Trade Union Congress, both of which are affiliated with Indian communist parties, were doing their best to put a stop to the workers' independent struggle.¹⁰⁶ According to Shawn Hattingh, striking miners in South Africa, during the massive strike wave between 2009 and 2013, were treated even worse. As Hattingh describes, the first period of the strike wave, 2009 – 2011, was mostly comprised of wildcat

strikes and sit-ins, and saw the rise of independent workers' committees.¹⁰⁷ This was a result of the inadequate job that the major trade unions, especially the National Union of Mineworkers (NUM), were doing, when negotiating deals with management to end legal strikes; the strikers were continuously disappointed with the results of the negotiations between the major unions and the management.¹⁰⁸ The second period, 2011 – 2013, was characterized by even more radicalization and militancy from the part of the workers, caused by managerial and state repression – including, inter alia, organisers fired from their jobs and legally striking workers being arrested – as well as growing discontent with traditional bureaucratic unions.¹⁰⁹ Hattingh reports that many workers were killed in clashes with the police during that period, and NUM, which was extremely hostile towards wildcat strikes, sit-ins and independent committees, offered hardly any assistance to the strikers.¹¹⁰ On the contrary, during the events of the infamous Marikana massacre in 2012, armed NUM officials joined the police and private security of the Lonmin mine, and opened fire against the strikers, despite some of the latter being NUM members. In spite of the many casualties of the massacre, the strike continued and it was eventually victorious. In the months that followed the victory, over a hundred thousand workers in many major mines across the country organised wildcat strikes.¹¹¹

Italy & Argentina

In addition to a distrust in traditional unions and political parties, the turn towards greater neoliberalization in the 2000s is also a cause of the growing radicalization of the working class, at least in the means of their struggle. In Italy, the most

recent manifestation of radical unionism, after the violent repression of the Operaismo movement in the 80s, is a rank-and-file workers' organization that was formed in 1987, the Comitati di Base. According to Steven Manicasteri, these new institutions, now known as Confederazione dei Comitati di Base (COBAs), are completely independent from political parties and unions;¹¹² since the 2009 debt crisis, they have been actively participating in the fight against the Italian government's neo-liberal labour reforms and austerity measures, by organizing mass movements among workers and students.¹¹³ Manicasteri reports that the actions organised by the COBAs included, inter alia, marches, demonstrations and strikes, and were all met with violent attacks by the state.¹¹⁴ Similarly, the Argentinian Asociación Gremial de Trabajadores del Subterráneo y Premetro (AGTSyP) – an independent subway workers' union – was founded in 2008 as a response to the country's radical neoliberalization, as Dario Bursztyn reports.¹¹⁵ It broke away from the main transport workers' union, the Unión Tranviarios Automotor (UTA), due to, inter alia, the latter focusing primarily on bus drivers, ignoring the interests of subway workers.¹¹⁶ According to Bursztyn, the main common themes characterizing the AGTSyP are “antagonism towards the bureaucrats, pride in being part of a class, and equality among members.”;¹¹⁷ they are motivated by building class solidarity “through expressing independent, direct-democratic organizational forms, in which every last decision is made by workers' assemblies.”¹¹⁸ According to Rene Rojas, in 2012 the AGTSyP managed to organise the longest subway workers' strike in the history of Buenos Aires; despite facing opposition from the national and local government, as well as from the UTA, the strike was largely successful, and most of the strikers demands were met.¹¹⁹

International Developments

Radical syndicalism has also been developing at the international level in the last two decades. The IWA is still regularly active in Spain, Poland and Italy, and recent IWA campaigns and work conflicts have taken place in, inter alia, UK, Australia, Brazil and France.¹²⁰ However, some recent events have put a great deal of pressure on the organization; most importantly, the arrest of six members of the Serbian IWA section (ASI-MUR), including the then General Secretary of the IWA, on suspicion of international terrorism, in 2009. They were released a few months later, and the charges were dropped in 2010, only to be renewed in 2012. Although the organization is still active and even maintains a web magazine,¹²¹ a split in 2016 resulted in many of its member unions leaving the organization, including three of its founding members, the CNT, the USI, and the FORA. In 2018, a number of former IWA members and other independent workers' organizations – from Greece, Brazil, Morocco, Bulgaria, the Netherlands, Belgium, Germany, Italy, Catalonia, Spain, Poland, United States, Canada, France, Austria and Argentina – met in Parma, Italy, and established the International Confederation of Labor (Confederación Internacional del Trabajo).¹²² Later the same year, the Transnational Federation of Couriers (TFC) was founded in Brussels, by courier collectives and unions from all over Europe and the US.¹²³

As for the IWW, it officially began advocating for “solidarity unionism” in 2002,¹²⁴ ran a series of campaigns in the US during the 2000s – the most significant being organizing Starbucks employees¹²⁵ – and (re)established activities all over

the world; it currently has active branches and regional committees all around North America, Europe and Australia.¹²⁶ IWW activities in 2018 alone, included, inter alia, forming the first fast food chain union in US history,¹²⁷ organizing a number of industrial actions in the UK¹²⁸, with a focus on platform workers, and coordinating pickets in a major post officers' strike in Canada.¹²⁹ Additionally, the Incarcerated Workers Organizing Committee of the IWW, co-organised the second national prison strike in the US in recent years;¹³⁰ the first, and largest ever, was in 2016, also co-organised by the IWOC.¹³¹ The IWW also joined the aforementioned International Confederation of Labor,¹³² while the IWW Couriers Network, formed in the UK, joined the Transnational Federation of Couriers.¹³³

2.4 Solidarity Unionism's Influences on Mainstream Unions

As presented in Chapter 1, solidarity unionism has very little in common with today's traditional bureaucratic unions. However, with a history of more than a hundred years, it is to be expected that these two forms of workers' organization did influence, support and even cooperate with each other in many occasions, with positive or negative results.

Perhaps the most prominent example of a mainstream union altering its tactics to resemble those of a radical solidarity union, happened in the US in the 1930s. In 1935 a group of union leaders within the AFL formed the Committee for Industrial Organization, and a year later they took their unions out of the federation and formed the Congress of Industrial Organizations (CIO).¹³⁴ The CIO promoted mass collective high-participation action, facilitated by a model well-rooted in

deep worker solidarity and cooperation. “Strikes, the kind that could shut down production – strikes in which most if not all workers walk off the job in a high-risk collective action – were routine, and were evidence that workers *themselves* were the primary agents of their own liberation”.¹³⁵ The CIO was an industrial based union, breaking away from the AFL's tradition of exclusivity and craft unionism. It was seemingly everything the IWW aspired to be, minus the revolutionary agenda, and it was wildly successful; in fact, many Wobblies dual-carders took part in the CIO organizing drives at the time.¹³⁶ As described by Staughton Lynd, it played a major role in the rise of the Roosevelt administration as well as the establishment of the US labour legislation.¹³⁷

The legacy of the CIO still inspires trade union organisers to this day. Jane McAlevey described in length how applying the Wobbly-inspired CIO model of organizing, while working for the SEIU, resulted in many unprecedented successes; perhaps the most major of which being successfully organizing hospital staff in Nevada, one of the US's right-to-work states.¹³⁸ In those states union security agreements* are prohibited. This prohibition makes convincing each and every individual worker to join the union necessary; by McAlevey's account, mainstream unions consider this to be a very laborious, extremely costly and easy-to-fail process. With the number of right-to-work states increasing,¹³⁹ it is important to note the secret behind the Nevada success. McAlevey, the leading organiser of the SEIU during that campaign, compellingly argues against structuring and running unions as bureaucratic lobbying businesses; it is organizing on the rank-and-file level, allowing workers to take an active role in the shaping, running and decision-making of the union and being able to organise

long-duration strikes with a high percentage of participation, that could save trade unionism in right-to-work states.¹⁴⁰

However, the history of the labour movement has proven that unions adhering to different forms of organizing do not have to be competing or in hostile terms; they can work together and support each other, like in the aforementioned case of the IWW supporting the striking postal workers in Canada in 2018.¹⁴¹ A great example of a solidarity union supporting a mainstream one, is the case of the Women Against Pit Closures support to the National Union of Mineworkers (NUM) in the UK, during the historic year-long miners' strike between 1984 and 1985 against the Thatcher administration; the group and the support it provided evolved from the communal feeding of families in the first months of the strike, to the more explicitly political role of bringing feminist ideas into practice.¹⁴² Other community-based groups, like the Lesbians and Gays Support the Miners (LGSM) and the Lesbians Against Pit Closures (LAPC), provided financial support for the miners, and in some occasions members of those groups joined in the pickets against strikebreakers.¹⁴³

A more recent example of major unions deciding to work with a grassroots workers' group, instead of competing with or even fighting against it, comes from the Netherlands. Teachers in Arnhem, dissatisfied both with the decreasing quality of their labour conditions, as well as with the representation they were getting from the General Education Union (AOB) and the Federation of Dutch Trade Unions (Federatie Nederlandse Vakbeweging; FNV), created a Facebook group called PO in Actie in 2017. Reportedly, 1500 teachers from around the country joined the group within its first day; today, it has

almost 44,000 members, and it has been instrumental in organizing the recent campaigns for teachers' rights, including a number of strikes.¹⁴⁴ Although critical of trade unions, PO in Actie cooperates with the AOb, the FNV and other unions in the education industry, which have embraced the initiative, to promote its goals for a fair salary and less work pressure.¹⁴⁵

On the other side of the planet, in Colombia, the miners working in the massive Cerrejón coal mine and their union, the Sintracarbón (the National Union of Workers in the Coal Industry), have been working with the local communities, as well as with international solidarity groups, for over a decade now, to mediate the severe negative effects of the mine's operation, according to Aviva Chomsky.¹⁴⁶ The mine is located in the most impoverished province of the country, La Guajira, populated mostly by Wayuu, Colombia's largest indigenous group, Afro-Colombian and mestizo peasants, who survive by combining hunting, fishing and small farming with being day labourers in the few large ranches and farms of the province; most of the miners working in Cerrejón come from outside the province.¹⁴⁷ To fight the detrimental effects of the mine's operation, the local inhabitants organised themselves, and got in contact with international solidarity organizations; in 2006 Sintracarbón took an interest in the matter.¹⁴⁸ Chomsky presents how this coalition of activists, skilled workers and the local population of unskilled labourers, where the latter have the primary role, was developed, and how it took on the company owning the mine on a number of occasions, for issues about labour conditions, as well as the effects of the mine on the communities;¹⁴⁹ they were even successful in foiling the company's plan to greatly enlarge the mine and affect a much greater number of the local population.¹⁵⁰ This example

underlines the importance of broader goals and strategies for trade unions; workers' organizations must reflect all the aspects of a worker's life, and be well-rooted not only in the workplace but also in the community.

Mainstream unions did learn beneficial lessons from solidarity unions in the past; when, however, solidarity unions attempt to imitate their bureaucratic and hierarchical counterparts, the results are not so favourable. The hierarchical bureaucratic structure of the MSEU, in the aforementioned Maruti Suzuki plant in India, had a negative impact on the solidarity of its rank-and-file members, and it was a major factor behind the failure of this attempt at independent unionism.¹⁵¹ In Sen's view, "the hierarchical culture of trade unions is responsible for the defeats of many labor struggles in India. It is also partly responsible for the defeat of the militant movement of the Maruti Suzuki workers at Manesar."¹⁵² Another example can be found, surprisingly enough, within the anarcho-syndicalist movement. According to Gabriel Kuhn, in the 1950s the anarcho-syndicalist Central Organisation of the Workers of Sweden (SAC) took a reformist turn, by setting up a state-supported unemployment fund and indirectly participating in municipal elections; it was an effort to keep the union a relevant option for the country's working class.¹⁵³ That led to a major conflict within the IWA, and in 1958 SAC left the federation, along with the Dutch organizations.¹⁵⁴ As Kuhn describes, the move towards reformism did not help the union recapture its former glory, although there was an increase in membership in the 60s, due to many activists using the organization as a useful advocating platform, for promoting leftist political agendas. It was not until the early 2000s, that the union began to slowly shift back to its roots of workplace

organizing and class struggle*, under pressure by its membership.¹⁵⁵

Moreover, the motives behind a mainstream union's efforts to employ solidarity unionism's tactics are not always benevolent. Going back to the CIO example, Lynd explains that its leaders “seized an opportunity that resulted from a phenomenal upsurge of self-organization by rank-and-file workers in the years 1933 – 1935”.¹⁵⁶ The IWW was still very active in some important industrial sectors, like steel and auto manufacture, and the popularity of the Communist Party among the workers was on the rise during and after the Great Depression.¹⁵⁷ At the same time, the workers in favour of industrial unionism were also in favour of independent labour politics, and many efforts were made to establish a US Labour Party. The majority of CIO leaders opposed the idea, opting instead to exclusively support Franklin D. Roosevelt; and when the National Labor Relations Act (or Wagner Act) came to be in 1935, the CIO unions became “the exclusive bargaining agents certified by the state”.¹⁵⁸ It was the end of an era for the country's labour movement.

1 This unlikely coalition was successful, at least initially, because, inter alia, the schism between anarchists and Marxists that tore apart the First International, the first international workers' organization, in 1872, was not as prominent in the US. "The First International was created in 1864 and included adherents of various socialist tendencies. In the course of discussions in this international workers' organization, ideas were formed about labour unions as an instrument of social liberation, about the role of the general strike, about the primacy of economic struggle, about the replacement of organs of the State by organizations of producers, about the self-management of society, and about "direct action," i.e. the workers acting directly in their own interests and not handing over the job to political parties and leaders. After the split of the International in 1872, these views were upheld by anti-authoritarian anarchists." (Vadim Damier, *Anarcho-syndicalism in the 20th Century* (Black Cat Press c2009)).

2 Industrial workers of the world, 'Minutes of the IWW Founding Convention' (*iww.org*, 19 January 2005)

<<https://www.iww.org/history/founding>> accessed 13 March 2019.

3 Selig Perlman, *A History of Trade Unionism in the United States* (The MacMillan Company 1922) 116.

4 Ibid 118.

5 Melvin I Urofsky, 'Pullman Strike' (*Encyclopaedia Britannica*, 4 May 2019) <<https://www.britannica.com/event/Pullman-Strike>> accessed 23 May 2019.

6 Catherine Collomp, 'Unions, Civics, and National Identity' [1988] 29(4) *Labor History* 450-74.

7 *Legisworks.org*, 'An Act To Limit the Immigration of Aliens into the United States ' (*Legisworks.org*, 3 October 2014)

<<http://legisworks.org/sal/42/stats/STATUTE-42-Pg5a.pdf>> accessed 23 May 2019

8 Ernest Obadele-Starks, *Black Unionism in the Industrial South* (2001) p 13.

9 Philip F. Rubio, *A history of affirmative action, 1619–2000* (2001) p. 69

10 Alice Kessler-Harris, 'Where Are the Organized Women Workers?' [1975] 3(1) *Feminist Studies*.

11 John M O'Neill, 'Western Federation of Miners' [1903] 1 (48) *American Labor Union Journal*.

12 Industrial workers of the world, 'Preamble to the IWW Constitution' (*iww.org*, 1 February 2001)

<<https://www.iww.org/culture/official/preamble.shtml>> accessed 13 March

2019.

13 For Bernstein, socialism is the end-goal, achieved by reforming capitalism through parliamentarism. See Eduard Bernstein, *The Preconditions of Socialism* (Cambridge University Press 1993).

14 Daniel Gaido, 'Marxism and the Union Bureaucracy: Karl Kautsky on Samuel Gompers and the German Free Trade Unions' [2008] 16(3) *Historical Materialism* 115-136.

According to Gaido, the major unions in Germany at the time, went as far as to completely reject the use of political strikes: "The General Commission's spokesman on this issue, Theodor Bömelburg, president of the construction workers' union, attacked not only the SPD left wing but even Eduard Bernstein (who saw in the general strike not a revolutionary means to overcome reformist parliamentarism, but a means of defending the parliament and democratic rights from the attacks of reaction), arguing that 'in order to expand our organisation, we need peace and quiet [*Ruhe*] in the labour movement'."

15 Vadim Damier, *Anarcho-syndicalism in the 20th Century* (Black Cat Press c2009).

16The Haymarket Affair refers to a series of events that took place in the US in the 1880s. In 1884, the Federation of Organized Trades and Labor Unions, predecessor of the AFL, called for May 1, 1886 to be the beginning of a peaceful nationwide movement for the eight-hour day, which was already a law since 1867, but was not enforced. On the 3rd of May, 1886, police attacked and killed picketing workers at a factory in Chicago. In response to the attack, a protest meeting was held in Haymarket Square the next evening, with the permission of the mayor. After the meeting was almost over and most people attending had left, the police attacked. Then someone threw the "first dynamite bomb ever used in peacetime history of the United States.". The police panicked, and started shouting in the dark. The aftermath was four dead workers and seven dead policemen, six of them by friendly fire. The incident and the nationwide martial law that was declared the next day, gave the opportunity to anti-labour governments around the globe to attack the labour movement. In Chicago, eight anarchists were arrested as responsible for the bombing. Despite some of them having alibis, seven of them were convicted to death, and the last to hard labour, by a fast-track trial that took only two months. The international pressure against the decision resulted in two of them eventually getting life imprisonment instead of the death penalty; a third one who was also expected to be pardoned, was found dead in his cell by

mysterious circumstances. In November 11th, 1887, the four remaining anarchists were hanged. Six years later, the new governor pardoned the remaining three imprisoned men, and “condemned the entire judicial system that had allowed this injustice”. Previous to that, in 1889, the AFL delegation in the Paris labour conference recommended that May 1st should be declared International Labour Day in memory of the Haymarket martyrs. (William J Adelman, 'The Haymarket Affair' (*Illinoislaborhistory.org*, 21 April 2011) <<http://www.illinoislaborhistory.org/the-haymarket-affair/>> accessed 13 March 2019.)

17 William D Haywood, *The Autobiography of Big Bill Haywood* (International Publishers 1966) 59.

18 Marx's conception that thought and ideology depend on the material conditions of life (Karl Marx and Frederick Engels, 'The German Ideology' (*Marxists.org*, 1 February 2001) <<https://www.marxists.org/archive/marx/works/1845/german-ideology/>> accessed 13 March 2019).

19 “A spectre is haunting Europe — the spectre of communism. All the powers of old Europe have entered into a holy alliance to exorcise this spectre” (Karl Marx and Friedrich Engels, *Manifesto of the Communist Party* (International Publishers c2014) 4).

20 Jeffrey Helgeson, 'American Labor and Working-Class History, 1900–1945' (*Oxford Research Encyclopedias*, August 2016) <<https://oxfordre.com/americanhistory/abstract/10.1093/acrefore/9780199329175.001.0001/acrefore-9780199329175-e-330>> accessed 6 June 2019.

21 Gale Encyclopedia of US Economic History, 'Working Conditions in Factories (Issue)' (*Encyclopedia.com*, 18 May 2019) <<https://www.encyclopedia.com/history/encyclopedias-almanacs-transcripts-and-maps/working-conditions-factories-issue>> accessed 6 June 2019.

22 Eric H Monkkonen, *Walking to Work: Tramps in America, 1790-1935* (University of Nebraska Press 1984).

23 Roger Bruns, *Knights of the Road: A Hobo History* (Methuen 1980).

24 Nels Anderson, *The Hobo: The Sociology of the Homeless Man* (University of Chicago Press 1923).

25 Todd DePastino, *Citizen Hobo: How a Century of Homelessness Shaped America* (University of Chicago Press 2003).

26 Paul Frederick Brissenden, *The IWW, A Study of American Syndicalism* (2nd edn, Columbia University Press 1920) 350.

27 Eric Thomas Chester, *The Wobblies in Their Heyday* (ABC-CLIO c2014)

xii.

28 Peter Cole, 'Local 8: Philadelphia's Interracial Longshore Union' (*Mapping American Social Movements Through the 20th Century*, 2015). <<https://depts.washington.edu/iww/local8iww.shtml>> accessed 13 March 2019.

29 IWW Local Unions 1906-1917 (maps) (*Mapping American Social Movements Through the 20th Century*, 2015). <https://depts.washington.edu/iww/map_locals.shtml> accessed 13 March 2019.

30 More than 20000 mostly female immigrant workers, from more than 40 different nationalities, joined in the two-month strike, which was eventually victorious despite the extremely violent opposition by the state and management. (Robert E Weir, *Workers in America: A Historical Encyclopedia, Volume 1* (ABC-CLIO c2013) 419).

31 In the case of farm workers, the process of their recognition as workers with equal rights to the rest of the working population first began in the mid 60s, and it is yet to be completed. (Farmworkers Justice, 'https://www.farmworkerjustice.org/advocacy-and-programs/us-labor-law-farmworkers' (*farmworkerjustice.org*, 5 November 2006) <<https://www.farmworkerjustice.org/advocacy-and-programs/us-labor-law-farmworkers>> accessed 19 April 2019).

32 Robert Justin Goldstein, *Political Repression in Modern America* (University of Illinois Press 2001) 121.

33 Arrests, Prosecutions, Beatings, and other Violence 1906-1920 (map) (*Mapping American Social Movements Through the 20th Century*, 2015). <https://depts.washington.edu/iww/map_persecution.shtml> accessed 13 March 2019.

34 Patrick Renshaw, *The Wobblies: the Story of Syndicalism in the United States* (Ivan R Dee c1999).

35 Peter DeShazo, *The Industrial Workers of the World in Chile* (University of Wisconsin 1973).

36 Kevan Antonio Aguilar, *The IWW in Tampico: Anarchism, Internationalism, and Solidarity Unionism in a Mexican Port*. in Cole and others (eds), *Wobblies of the World: a Global History of the IWW* (Pluto Press c2017) 124-139.

37 Saku Pinta, *The Wobblies of the North Woods: Finnish Labor Radicalism and the IWW in Northern Ontario*. in *ibid* 140-155.

38 Mark Leier, "We Must Do Away with Racial Prejudice and Imaginary Boundary Lines": *British Columbia Wobblies before the First World War*. in

ibid 156-167.

39 Lucien van der Walt, “*All Workers Regardless of Craft, Race or Colour*”: *The First Wave of IWW Activity and Influence in South Africa*. in ibid 271.

40 Verity Burgmann, *Wobblies Down Under: The IWW in Australia*. in ibid 168-185.

41 Mark Derby, *Ki Nga Kaimahi Maori Katoa (“To All Maori Workers”): The New Zealand IWW and the Maori*. in ibid 186-202.

42 The Socialist (or Second) International (1889–1916), was the second attempt (for the first see footnote #1) of the working class to organise on an international level, this time through an organization of socialist and labour parties, excluding the influential anarcho-syndicalist unions and anarchist groups. (Julius Braunthal, *History of the International: Volume 2: 1914-1943* (Praeger 1967)).

43 The IFTU was replaced in 1945 by the World Federation of Trade Unions (WFTU); however, many of the latter's members developed communist sympathies after the Second World War, so as early as 1949 the member unions from the western countries left the WFTU to form the International Confederation of Free Trade Unions (ICFTU), which in 2006 merged with the World Confederation of Labour (WCL) to form the International Trade Union Confederation (ITUC). Although it suffered a major blow with the fall of the Soviet Union, the WFTU is to this day a very prominent union, committed to the class-struggle analysis and to anti-imperialism. (World Federation of Trade Unions, 'WFTU History' (*Wftucentral.org*, 1 February 2001) <<http://www.wftucentral.org/history/>> accessed 21 April 2019).

44 “In 1919, the Treaty of Versailles ended the First World War, but was signed against a backdrop of ongoing revolution and civil war in Russia and spreading social unrest in Europe. The ILO and the League of Nations were founded together as an integral part of the peace process. This marked the first-ever attempt to foster international cooperation by creating universal organizations to address the political, social and economic problems of the world.” (International Labour Organization, 'Infostories: Laying the Foundation of Social Justice' (*Ilo.org*, 15 May 2016) <<https://www.ilo.org/infostories/en-GB/Stories/The-ILO/Laying-the-Foundations-of-Social-Justice#war-and-revolution>> accessed 19 April 2019).

45 The Bolsheviks believed that unless Europe was swept by a socialist revolution, they themselves would not be able to stand against the military

might of every capitalist country. To organise such a large-scale revolution of the working class, they created a new international to replace the collapsed Second International; thus the Communist International (Comintern) was born in 1919. (Marxists.org, 'Congresses of the Communist International' (*Marxists.org*, 1 February 2001) <<https://www.marxists.org/glossary/events/c/comintern.htm#first-congress>> accessed 19 April 2019).

46 One of the founding members of the RILU was the British trade unionist Thomas Mann, who, 25 years earlier, helped create the International Transport Workers' Federation, and served as its first president (International Transport Workers Federation, 'General Secretaries and Presidents of the ITF 1896-2010' (*Itfcongress2010.org*, 22 July 2010) <<https://www.itfcongress2010.org/ITF-presidents-secretaries.cfm>> accessed 14 March 2019). The ITF is still around today; moreover, it is a very significant trade union. In the course of this study, we will meet it again when reviewing the European Union's legislation on the right-to-strike.

47 Haywood and other IWW members moved to Russia after skipping bail to avoid a lengthy prison sentence based on false espionage charges, a very controversial decision, not only because it deprived the IWW of some of its most charismatic members, but also because the union was left with the bail bill.

48 E H Carr, *The Bolshevik Revolution, 1917-1923: Volume 3* (Macmillan 1953) 399-400.

* See Glossary.

49 Vadim Damier, (*ibid*).

50 Not to be confused with the First International (1864–1876), with which, probably intentionally, shared the same name.

51 *Ibid*.

52 Rudolf Rocker, *Anarchism and Anarcho-Syndicalism* (Freedom Press / Solidarity Federation 2014).

53 *Ibid*. The initial membership numbers, cited in *ibid*, are as follows: The Italian Syndicalist Union (USI): 500,000, the Argentine Workers Regional Organisation (FORA): 200,000, the General Confederation of Workers in Portugal: 150,000, the Free Workers' Union of Germany (FAUD): 120,000, the Committee for the Defence of Revolutionary Syndicalism in France: 100,000, the Federation du Combattant from Paris: 32,000, the Central Organisation of the Workers of Sweden (SAC): 32,000, the National Labour Secretariat of the Netherlands: 22,500, the IWW in Chile: 20,000 and the Union for Syndicalist Propaganda in Denmark: 600.

54 Ibid.

55 Wayne Thorpe, *The IWW and the Dilemmas of Labor Internationalism*. in Cole and others (eds), *Wobblies of the World: a Global History of the IWW* (Pluto Press c2017) 105-123.

56 Vadim Damier, (ibid).

57 Perhaps the most tragic example of such an event was the Patagonian massacre in 1920s Argentina (Osvaldo Bayern, *La Patagonia rebelde* (Talleres Gráficos FURIA 2009)).

58 Vadim Damier, (ibid).

59 Ibid.

60 William Z Foster, *History of the Three Internationals: The World Socialist and Communist Movements from 1848 to the Present* (International Publishers 1955).

61 Vadim Damier, (ibid).

Four of the original members of the anarcho-sindicalist IWA are still active today; the Spanish CNT, the Italian USI, the Argentinian FORA and the Central Organisation of the Workers of Sweden (SAC), the latter of which will be the focus of a later chapter in this study.

62 Ibid; C Longmore, *The IWA today: A short account of the International Workers Association and its sections* (South London DAM-IWA 1985).

63 Industrial Workers of the World, 'IWW Chronology (1972 - 1977)' (*iww.org*, 1 March 2003) <<https://www.iww.org/about/chronology/7>> accessed 6 June 2019; F N Brill, 'A Brief History of the IWW outside the US (1905 - 1999)' (*iww.org*, 15 January 1999) <<https://www.iww.org/history/library/misc/FNBrill1999>> accessed 6 June 2019.

64 Au Loong Yu and Bai Ruixue, *Autonomous Workers' Struggles in Contemporary China*. in Immanuel Ness (ed), *New Forms of Worker Organization* (PM Press c2014) 46.

65 Silvia Federici, *Re-enchanting the World: Feminism and the Politics of the Commons* (PM Press c2019) 52.

66 Au Loong Yu and Bai Ruixue, *Autonomous Workers' Struggles in Contemporary China*. in Immanuel Ness (ed), (ibid) 48.

* See Glossary.

67 Steven Manicasteri, *Operaismo Revisited: Italy's State-Capitalist Assault on Workers and the Rise of COBAs*. in Immanuel Ness (ed), (ibid) 20-38.

68 Staughton Lynd, *Solidarity Unionism - Rebuilding the Labor Movement from Bellow* (2nd edn, PM Press c2015) 31-48.

69 Another great example of grass-roots worker organization, fighting

against the employer-state; at least until they themselves came to power (Naomi Klein, *The Shock Doctrine: The Rise of Disaster Capitalism* (Metropolitan Books c2007) 171-193).

70 Staughton Lynd (ibid).

71 Amrita Chhachhi, *The 'Labour Question' in Contemporary Capitalism* (International Institute of Social Studies 2014).

72 The "New Forms of Worker Organization: The Syndicalist and Autonomist Restoration of Class-Struggle Unionism", edited by Immanuel Ness, provides a thorough and vivid documentation of 21st century alternative unionism; most of the content of the following sub-chapter is based on the essays from that book.

73 Callum Cant, 'Precarious couriers are leading the struggle against platform capitalism' (*Politicalcritique.org*, 3 August 2017)

<<http://politicalcritique.org/world/2017/precarious-couriers-are-leading-the-struggle-against-platform-capitalism/>> accessed 7 June 2019.

74 Callum Cant, 'The wave of worker resistance in European food platforms 2016-17' (*Notes From Below*, 29 January 2018)

<<https://notesfrombelow.org/article/european-food-platform-strike-wave?fbclid=IwAR2gUfeBBIEw9EoAJeHhUzbL15jXDv791jBPnoHVWGxcOzI OmhQarwSqWBU>> accessed 14 May 2019

75 Ibid.

76 Other forms of platform workers' resistance that follow the logic solidarity unionism, are, inter alia, new guilds and platform cooperatives, as described by Trebor Scholz (Trebor Scholz, *Uberworked and Underpaid: How Workers Are Disrupting the Digital Economy* (Polity Press 2016)).

77 Kurt Vandaele, *Will trade unions survive in the platform economy? Emerging patterns of platform workers' collective voice and representation in Europe* (ETUI 2018).

78 Kurt Vandaele, 'Belgique. Les syndicats sur le qui-vive pour soutenir les travailleurs des plateformes: l'exemple des livreurs de repas' [2017] 4(160) *Chronique internationale de l'IRES* 85-100; R Lieman, *Uber voor alles Hoe de on demand-economie ons leven beïnvloedt* (Business Contact 2018); Kurt Vandaele, *Will trade unions survive in the platform economy? Emerging patterns of platform workers' collective voice and representation in Europe* (ETUI 2018).

79 More examples specifically from the UK will be presented in Chapter 5.

80 Rossana Cillo & Lucia Pradella, 'Strike Friday at Amazon.it' (*Jacobin*, 29 November 2019) <<https://jacobinmag.com/2017/11/strike-friday-amazon-italy-unions-logistics>> accessed 7 June 2019.

81 Juliana Feliciano Reyes, 'Philly Uber and Lyft drivers will join a global day of action on Wednesday' (*The Philadelphia Inquirer*, 7 May 2019) <<https://www.inquirer.com/news/uber-lyft-philadelphia-drivers-strike-day-of-action-ipo-20190507.html>> accessed 7 June 2019.

82 Callum Cant and Jamie Woodcock, 'The end of the beginning' (*Notes From Below*, 8 June 2019) <<https://notesfrombelow.org/article/end-beginning>> accessed 8 June 2019.

In the two UK's scholars own words, “(w)e have seen strikes in South Africa, China, the establishment of the Transnational Courier Federation, and a new kind of coordination with service workers in McDonald’s. In the last six months alone we have had three nationally-coordinated strikes involving thousands of workers including the early stages of coordination with other industrially-linked workforces. There was also a wave of protests and strikes across the world in the run up to Uber’s IPO. These are not the actions of a workforce finding its feet, but of a workforce that has begun to wage a widespread, intense, and prolonged struggle.”

83 For example in Switzerland in 2017, the first-ever protest of platform workers was backed by the mainstream union Unia, and it was successful in improving the work conditions of the workers, who are not considered “independent contractors” anymore (Unia.ch, 'Notime-Angestellte protestieren für ihre Rechte' (*Unia.ch*, 6 September 2017) <<https://www.unia.ch/de/medien/medienmitteilungen/mitteilung/a/14063/>> accessed 7 June 2019). Earlier, in 2016, the mainstream union GMB in the UK scored a similar success against Uber (GMB, 'A New Year resolution for Uber' (*Gmb.org.uk*, 1 January 2019) <<https://www.gmb.org.uk/long-read/new-year-resolution-uber>> accessed 7 June 2019).

84 Callum Cant and Jamie Woodcock (ibid).

85 Ibid.

86 Kurt Vandaele (2018) (ibid).

87 Ibid.

88 Ibid.

89 Nota bene that “radicalization” in this context refers to the means of struggle, and not necessarily in the adoption of a revolutionary political agenda.

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91 Trudprava.ru, 'Center for social and labor rights' (*Trudprava.ru*, 12 August 2013) <<http://trudprava.ru/about/mission>> accessed 24 May 2019.

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93 Ibid 72-76.

Vis a vis the Ford strike, “(w)ages were raised 16 per cent to 21 per cent; overtime would be restricted and became a matter of agreement between management and the labor union, with double overtime payments; and agreements were reached regarding pensions and other social benefits.” (ibid 75).

94 Au Loong Yu and Bai Ruixue, *Autonomous Workers' Struggles in Contemporary China*. in Immanuel Ness (ed), (ibid) 53.

95 Ibid 47.

96 Ibid 49-50.

97 See for example an article in the New York Times in 1989: “In the northeastern city of Shenyang a worker killed his boss, an entrepreneur, last year. The murderer was promptly executed, but Shenyang residents say he became a minor folk hero because the boss was regarded as a tyrant who deserved what she got.”. (Nicholas D Kristof, 'Beijing Journal; Second Thoughts: Laissez Faire or Plain Unfair?' (*Nytimes.com*, 6 April 1989) <<https://www.nytimes.com/1989/04/06/world/beijing-journal-second-thoughts-laissez-faire-or-plain-unfair.html>> accessed 25 May 2019.)

98 Au Loong Yu and Bai Ruixue, *Autonomous Workers' Struggles in Contemporary China*. in Immanuel Ness (ed), (ibid) 50.

99 It can be safely assumed, that, for the workers to reach such levels of aggressiveness, they must have been under extreme pressure. Nota bene that this study does not aim to pass any form of judgment on the actions of these workers. In addition to being outside its scope, passing judgment on such situations would be extremely presumptuous.

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101 Ibid 51.

102 Ibid 53.

103 Both examples mentioned infra, are referenced by Lynd in his introduction to *Solidarity Unionism - Rebuilding the Labor Movement from Bellow* (Staughton Lynd (c2015) (ibid) 1-18).

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106 Ibid 94.

- 107 Shawn Hattingsh, *Exploding Anger: Workers' Struggles and Self-Organization in South Africa's Mining Industry*. in Immanuel Ness (ed), (ibid) 99-103.
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- 120 Libcom.org, 'Belgrade 6' (*Libcom.org*, 27 January 2012) <<http://libcom.org/tags/belgrade-6>> accessed 24 March 2019.
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- 134 Staughton Lynd, *Solidarity Unionism - Rebuilding the Labor Movement from Bellow* (2nd edn, PM Press c2015) 51.
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Chapter 3 – STRIKE!

3.1 Limiting the Right to Strike in the US

As Staughton Lynd describes, before the passing of the Wagner Act, “labor organizations in the United States – whatever their other differences – had jealously guarded the concept of union independence and autonomy.”¹ With the establishment of the Act and the creation of the National Labor Relations Board, the labour movement in the US lost its autonomy and independence, in favour of state-regulated industrial relations.² In 1934, the president of the American Civil Liberties Union (ACLU), Roger Baldwin, wrote to Senator David Walsh that the pending legislation would “impair labor's rights in the long run, however much its authors may intend precisely the contrary.”³ This opinion was apparently shared by Senator Wagner's own aide and principal drafts-person of the Act, Leon Keyserling,⁴ who even stated that it was not the aim of the government to substitute the right to strike with the right of collective bargaining.⁵ Later, in 1935, Baldwin wrote to Senator Wagner himself, informing him that the ACLU will oppose the establishment of the National Labor Relations Board, urging him to consider “the view that the pressures on any government agency from employers are so constant and determined that it is far better to have no governmental intervention than to suffer the delusion that it will aid labor in its struggle for the rights to organise, bargain collectively and strike.”⁶

The ACLU, along with the IWW and the Communist Party, were among the many organizations that expressed serious

reservations, or even totally opposed, the Wagner Act,⁷ which had as its primary objective the establishment of labour peace through legally-binding collective bargaining agreements that forbade strikes for the duration of the contract; and the CIO, which, according to both Lynd and McAlevey, took advantage of the independent labour struggles and the efforts of its most radical union organisers,⁸ was eager to present itself to both the management and the state as the keeper of labour peace.⁹ However, as McAlevey describes, the CIO's successful development came to a halt after the Second World War, when it failed in its efforts to oppose the passing of the Taft-Hartley Act in 1947; the Act, which is still active and marks the latest development in US labour law on the federal level, prohibited unions from engaging in a number of activities, inter alia jurisdictional, solidarity and political strikes, secondary boycotts and secondary and mass picketing.¹⁰ Additionally, being part of the McCarthyism era, also known as the Second Red Scare, the law required union officers to sign non-communist affidavits with the government; that led to the CIO losing the majority of its most active and talented organisers and becoming a shell of its former self.¹¹ In 1955 it merged back with the AFL, which had altered its model of unionism due to the pressure from competing with the CIO,¹² and together they formed the AFL-CIO, the largest union federation in the country's history.¹³

It is easy to see why radical unions and revolutionaries would be disgruntled by any form of limiting the right-to-strike. Political strikes, for example, are as important, if not more, as economic strikes to them, since many consider the general, long-term strike as the only way to bring upon revolutionary change.¹⁴ On the other hand, the decision of bureaucratic

reformist unions to adjust their strategy and tactics accordingly, seems like an obvious move; as described in previous chapters, striking is a very difficult and often long process, with a lot of risks and costs not only for the strikers, but for their unions too. It also requires strong organizing on the rank-and-file level, a strategy that many mainstream unions apparently have progressively abandoned in favour of lobbying for workers' rights.¹⁵

However, those limits to the right-to-strike, imposed not only in the US but in many other countries around the world in the name of labour peace, had had devastating consequences on unionism in general, regardless of agenda. It is not difficult to see that a collective agreement or labour law is only meaningful if it is implemented. When faced with a government unwilling, or even unable, to properly implement said agreements or laws, if not getting rid of them outright, the only weapon the workers have to compel the employers to respect their rights is striking; a very unpleasant predicament in itself, which can become infinitely worse if union organisers and rank-and-file members have no experience or knowledge about organizing a strike, and worse even when the union is structured in such a way that a proper strike is impossible, e.g. by lacking a strike fund. That was well understood even by the reformist craft unions of old, which valued, and utilized quite often, the ability of their highly-skilled members to strike effectively.¹⁶ According to scholars with decades of experience in the labour movement, like Lynd and McAlevey, years of “labour peace” have made today's mainstream unions complacent. Not having to run any major lengthy strikes, they abandoned the laborious and costly process of organizing their members, in favour of simple advocacy and mobilizing tactics;

that is a major factor behind their current inability to turn the anti-labour tide, and, ultimately, behind their own decline.¹⁷

Nota bene that labour laws and social security systems in many countries were established, directly or indirectly, due to the pressure from workers' struggles, and most of those struggles were in the form of strikes.¹⁸ According to B. E. Kaufman, the field of industrial relations was created in the US due to the rising concern of companies as well as the state vis a vis the Labour Problem, i.e. the collapsing relationships between employers and employees, which took the form of violent strikes, militant radical trade unions, socialist political parties etc.¹⁹ Kaufman states that “The Labour Problem was widely viewed in most countries as the number 1 domestic social problem and, if unchecked, represented the greatest potential source of class polarization and socialist revolution.”²⁰ With the Labour Problem reaching its peak in 1918 -1919, with revolutions and large-scale strikes all over Europe and the US, the field of industrial relations, and, subsequently, labour legislation, including international labour law,²¹ were created in an effort to alleviate capitalism from the woes its unregulated form had sown.²² Peter Ackers and Adrian Wilkinson criticized radical industrial relations history as “prone to a socialist antiquarianism, centred on long catalogues of strikes”.²³ This description fits perfectly to the historical overview presented in this study, and for good reason. The truth is that strikes matter; as a salient manifestation of class struggle, they are a wheel of progress.

3.2 The Return of the Strike

Taking into consideration the supra historical developments, it

is not difficult to argue that well-organised strikes are necessary to defend workers' rights today. Unions who fail to understand this, risk the possibility of finding themselves facing the wrath of parts of the working class, as it was the case in some of the historical examples mentioned in Chapter 2, or in the recent strike wave in Mexico.²⁴ However, it appears that at least some mainstream unions are re-discovering the power behind a successful strike. The number of strikes has been on the rise recently in many countries, including China,²⁵ New Zealand,²⁶ the Netherlands²⁷ and the US.²⁸ In 2018, the number of major strikes in the US has been the highest in decades,²⁹ with more workers going on strike than any other year since 1986,³⁰ and with the number of non-unionized workers interested in joining unions reaching record numbers.³¹ Teachers are among the most active;³² educators from Los Angeles³³ and Virginia³⁴ went on strike on a number of occasions in 2018 and 2019, often against the wishes of their unions and the provisions of the legislation.³⁵ For another very recent example, the unions behind the recent successful Stop & Shop strike combined the mobilizing tactic of calling for a boycott of the company, with industrial action;³⁶ both tactics were successful, since around 31,000 workers walked off the job for eleven days during which the boycott cost the company 50 million dollars in profits, according to an industrial analyst.³⁷

A Critical Approach to Striking

It is important, however, not to glorify strikes, but instead present them for what they are, i.e. laborious, costly and, ultimately, just means to an end. Strikes drain the funds of unions, especially when the latter provide their members with

even minimal strike pay.³⁸ They can also have a severe negative financial, physical and emotional impact on the workers themselves. Strikes which lack a high percentage of participation will not succeed in completely shutting down a company, and if employers are allowed to hire scabs*, the situation can be even worse.³⁹ The company's production might suffer, but if the employers believe they can survive the hit, they could even provoke a union to strike, to financially damage it, as some historical examples proved.⁴⁰ Strikes over contracts, the majority of legal strikes in countries where most collective agreements include “peace-clauses”, could potentially be extremely difficult to succeed; the employers have years to prepare themselves to deal with a potential strike, because they know when the contract is set to expire.⁴¹ Laws similar to the Wagner Act, which aim at solving disputes between workers and bosses with a less disruptive process for the economy, and to the Taft–Hartley Act, which limit the right to strike in response to creative and effective forms of economic disruption, have essentially and effectively “defanged” strikes, at least legal ones.⁴² Their results, even when declared to be successful, like in the aforementioned Stop & Shop strike, are similar to the results of “a fistfight in which one side gets a bloody nose, the other gets a black eye, and each walks away saying 'You shoulda seen the other guy.' At best, a win looks like giving the other side two wounds while you only suffer one.”⁴³ An indicative example of a strike resulting in a Pyrrhic victory, is the introduction of a two-tier system, i.e. the establishment of different employment terms for future employees than for current employees, for full-time employees than for part-time employees etc., in the new collective agreement; that was part of the outcome of the Stop & Shop strike, as well as of other recent “victorious” strikes in

the US, like the Saskatoon Co-op strike and the Chicago Symphony Orchestra strike.⁴⁴

Nevertheless, as Friedrich Engels stated back in 1845,⁴⁵ strikes are necessary; it is safe to assume that, in most cases, workers who choose to strike, and do so successfully, get a better deal than the one they would have got had they not struck.⁴⁶ However, according to McAlevey's many examples, running a successful strike requires skills and experience, which can only be acquired by actually practising it, as well as a well-organised, dedicated and inspired membership base.⁴⁷ It is, however, necessary to approach striking from unconventional angles. Nota bene that in 1971, researchers identified a connection between the rise in workplace militancy in Europe, with the diversification of tactics.⁴⁸ As Callum Cant notes, "unions have discovered that the slowdown, the "work to rule" – an unusually meticulous observance of the work rules – and the wildcat strike are all more effective than the traditional strike."⁴⁹ Cant then proceeds to present a number of unorthodox forms of striking; the "chessboard" strike, "in which rapid changes in strike plans among alternating sections of the workforce lead to chaos in the workplace";⁵⁰ the "paybook" strike, in which every worker with an odd paycard number strikes during the odd days of the week, while employees with even numbers strike on the even days; alternate blue-collar and white-collar strikes, in which blue-collar employees strike in the morning but return to work after lunch, and white-collar employees strike in the afternoon. "thus stopping work for an entire day with the loss of only half a day's pay."⁵¹

Cant is quick to note, however, that unconventional methods

are not a guaranteed path to success; industries with flexible working hours and conditions, like universities for example, can hardly be affected by short work stoppages.⁵² “As Jamie Woodcock, an academic specialising in worker resistance put it: ‘I take part in an hour-long strike every day. I call it my lunch break.’”⁵³ Nonetheless, as IWW organisers claim, struggles in the workplace, including striking, can achieve and maintain any benefit that derives from collective bargaining, and possibly even more, if organised properly, taking into consideration the intricacies and dynamics of each workplace.⁵⁴ It is not hard to argue that, if won by dedicated direct action and majority organizing, those benefits can not be so easily taken away when the collective agreement expires or when a government changes the law, or chooses not to implement it. It can even be argued that in addition to freedom of association, all a competent tightly-knit workers' organization needs is an unlimited right to strike both vis a vis the scope as well as the methods of striking; that is exactly what is currently being limited in many countries around the world.

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3 Ibid 56-57.

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5 Kenneth M Casebeer, 'Holder of the Pen: an interview with Leon Keyserling on Drafting the Wagner Act' [1987] 42(3) University of Miami Law Review 353.

6 Staughton Lynd (ibid) 57. Additionally, "Baldwin wrote to Wagner that the ACLU would oppose the creation of a National Labor Relations Board 'on the ground that no such federal agency intervening in the conflicts between employers and employees can be expected fairly to determine the issues of labor's rights. We say this from a long experience with the various boards set up in Washington, all of which have tended to conciliation, or, in some cases, arbitration.'" (ibid).

7 Ibid 55.

8 "Who gets the bird, the hunter or the dog?" is a famous quote by the founding leader of the CIO, John L. Lewis, referring to his tactic of hiring organisers out of the Communist Party, and then purging them after they had won the campaign. (Jane F McAlevey, *No Shortcuts: Organizing for Power in the New Gilded Age* (Oxford University Press 2016) 32.)

9 Staughton Lynd (ibid) 58.

10 Labor Management Relations Act 1947.

11 Jane F McAlevey, *Raising Expectations (and Raising Hell): My Decade Fighting for the Labor Movement* (Verso 2014) 29.

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having monopoly of the skill necessary to make the tools of his trade industrially productive. The withdrawal of this skill during periods of strikes was all that was necessary to force the old-time employer of labor to terms. This it happened that the craft union was organized around the, then important, tools of the tradesmen.” (Industrial Workers of the World, 'Craft Unions and the General Strike' (*Core46.org*, 10 February 2019) <<https://www.core46.org/2019/craft-unions-and-the-general-strike/>> accessed 8 June 2019)).

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19 Ibid.

20 Ibid.

21 See Chapter 2, footnote #44.

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23 Peter Ackers & Adrian Wilkinson, *Industrial relations and the social sciences*. in Fiorito and others (eds), *Sage Handbook of Industrial Relations* (SAGE Publications 2008) 53-68.

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Bart-Jan Van Rooij, 'Veel staken omdat het economisch zo goed gaat, werknemers eisen hun deel van winst' (*ED*, 15 June 2018) <<https://www.ed.nl/daf/veel-staken-omdat-het-economisch-zo-goed-gaat-werknemers-eisen-hun-deel-van-winst~a6474809/?referer=https://www.google.com/&>> accessed 8 June 2019.

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35 Ibid; Rex Santus (ibid).

36 Jim Shay, 'Timeline of Stop & Shop strike' (*Associated Press News*, 22 April 2019) <<https://apnews.com/19a0e615c7fe4a5c8fd754a85f509cb1>> accessed 25 May 2019.

37 Thomas Breen, 'Analyst: Strike Pricetag \$50' (*New Haven Independent*, 22 April 2019)

<https://www.newhavenindependent.org/index.php/archives/entry/pyrrhic_victory/> accessed 25 May 2019.

Nota bene that the Dutch company's report on the financial damage of the strike, claims twice as much losses (Michael Bonner, 'Stop & Shop owner says 11-day strike cost company about \$100 million' (*Masslive.com*, 24 April 2019) <<https://www.masslive.com/boston/2019/04/stop-shop-owner-says-11-day-strike-cost-company-about-100-million.html>> accessed 25 May 2019). This is an additional weapon in the employers' arsenal against strikes, known as “crying poverty”.

38 Organizing Work, 'Why don't strikes achieve more?' (*Organizing Work*, 1 May 2019) <<http://organizing.work/2019/05/why-dont-strikes-achieve-more/>> accessed 25 May 2019.

* See Glossary.

39 Ibid.

40 Malik Miah & Terry O'Rourke, 'Viewpoint: Looking Back on the Northwest Strike' (*Labor Notes*, 20 November 2006)

<<https://labornotes.org/2006/11/viewpoint-looking-back-northwest-strike>> accessed 25 May 2019.

41 Organizing Work, 'Why don't strikes achieve more?' (*Organizing Work*, 1 May 2019) <<http://organizing.work/2019/05/why-dont-strikes-achieve-more/>> accessed 25 May 2019.

42 Ibid.

43 Ibid.

44 Ibid.

45 “Why, then, do the workers strike in such cases, when the uselessness of such measures is so evident?’ Simply because they *must* protest against every reduction, even if dictated by necessity; because they feel bound to proclaim that they, as human beings, shall not be made to bow to social circumstances, but social conditions ought to yield to them as human beings; because silence on their part would be a recognition of these social conditions, an admission of the right of the bourgeoisie to exploit the workers in good times and let them starve in bad ones.” (Friedrich Engels, *The Condition of the Working Class in England*. in Kenneth Lapides (ed),

Marx and Engels on the Trade Unions (International Publishers 1990) 6 [emphasis in original].

46 Organizing Work, 'Why don't strikes achieve more?' (*Organizing Work*, 1 May 2019) <<http://organizing.work/2019/05/why-dont-strikes-achieve-more/>> accessed 25 May 2019.

47 Jane F McAleve, *No Shortcuts: Organizing for Power in the New Gilded Age* (Oxford University Press 2016).

48 CQ Researcher by CQ Press, 'Industrial Strife in Western Europe' (*Cqpress.com*, 2 June 1971)

<<http://library.cqpress.com/cqresearcher/document.php?id=cqresrre1971060200>> accessed 12 June 2019.

49 Callum Cant, 'Striking Workers Are Bringing Back 1970s 'Mindfuck' Tactics' (*Vice*, 12 February 2019)

<[https://www.vice.com/en_uk/article/kzd7az/striking-workers-uk-mindfuck-tactics-uvw?](https://www.vice.com/en_uk/article/kzd7az/striking-workers-uk-mindfuck-tactics-uvw?utm_campaign=sharebutton&fbclid=IwAR2UY8DDrc3_5OBc2kxOdpEfvRuXSNghxUrvLPsfmkWwUkYVC3owqjt0ETo)

[utm_campaign=sharebutton&fbclid=IwAR2UY8DDrc3_5OBc2kxOdpEfvRuXSNghxUrvLPsfmkWwUkYVC3owqjt0ETo](https://www.vice.com/en_uk/article/kzd7az/striking-workers-uk-mindfuck-tactics-uvw?utm_campaign=sharebutton&fbclid=IwAR2UY8DDrc3_5OBc2kxOdpEfvRuXSNghxUrvLPsfmkWwUkYVC3owqjt0ETo)> accessed 12 June 2019
50 Ibid.

For example, in cases where the employers hire replacement workers during the strike, or call in the employees who refused to strike to cover all the shifts, the strike can be unexpectedly called off in the last minute, resulting to both the strikers and the scab workforce turning up for work and having to get paid.

51 Ibid.

52 Ibid.

53 Ibid.

54 Organizing Work, 'The Momentum-Killing Strike' (*Organizing Work*, 20 August 2018) <<http://organizing.work/2018/08/the-momentum-killing-strike/>> accessed 8 June 2019; Organizing Work, "'Push for gains, not recognition": The IWW Campaign at MiniMart' (*Organizing Work*, 10 December 2018) <<http://organizing.work/2018/12/the-iww-campaign-at-minimart/>> accessed 8 June 2019.

Chapter 4 – International Right-to-Strike Limitations

4.1 The Right to Strike in the European Union

The recent limitations of the right to strike in Member States of the European Union (EU), can not be examined independently from the international context in which they occurred. Perhaps the most significant factor, vis a vis said context, is the role of the EU in these reforms, which ranges from being passive and indirect, to being the active and direct determinant of their character. In order to investigate the extent of the significance of the EU's influence, it is necessary to start by tracing the right to strike in the Treaty on the Functioning of the European Union (TFEU) and in the Charter of Fundamental Rights of the European Union (CFR). This is followed by an overview of the Court of Justice of the European Union (CJEU) verdicts on the subject, and their repercussions. Examining the interference of the EU institutions in the decisions of the Member States, during and after the fiscal crisis that marked the last decade, concludes this investigation.

International Recognition of the Right to Strike

Before delving into the legislation of the EU and its implementation in practice, it is useful to have a clear idea about the way striking is perceived by the major intergovernmental organizations of our times. Article 8(1d) of the International Covenant on Economic, Social and Cultural Rights (ICESCR) of the United Nations (UN), which is signed and ratified by the vast majority of UN Member States,

compels the “States Parties to the present Covenant undertake to ensure [...] (t)he right to strike, provided that it is exercised in conformity with the laws of the particular country.”¹ Moreover, a Europe-specific recognition of striking as a human right, comes from the Council of Europe (CoE). According to Tonia Novitz, writer of the seminal work *International and European Protection of the Right to Strike: A Comparative Study of Standards Set by the International Labour Organization, the Council of Europe and the European Union*, there are two key instruments via which the CoE has the competence to influence labour standards in Europe: the European Convention on Human Rights and the European Social Charter (ESC).² Both the European Convention on Human Rights, in Article 11,³ and the ESC recognize the freedom of association, but it is only in the latter that an expressed recognition of the right to strike can be found. Specifically, Article 6(4) recognizes “the right of workers and employers to collective action in cases of conflicts of interest, including the right to strike, subject to obligations that might arise out of collective agreements previously entered into.”⁴

Nota bene Novitz's suggestion that “(t)he right to strike was regarded merely as one of a number of socio-economic rights, of inferior status to civil and political rights”;⁵ Novitz reaches that conclusion based on the restrictions of the right to strike set out in Article 6(4) of the ESC, vis a vis collective agreements, as well as, more importantly, on the significant limitations of the supervisory process connected to the ESC, “especially when compared with the quasi-judicial process established for the enforcement of the European Convention on Human Rights”.⁶ However, the European Court of Human Rights (ECHR) has proven its dedication to protect the right to

strike, albeit within certain limits, with its decision in the *Enerji Yapi-Yol Sen v Turkey* case in 2009;⁷ the ECHR held that a law that completely banned strikes would be an excessively wide restriction,⁸ basing its decisions both on the provisions of the ESC and on the work of the supervisory bodies of the International Labour Organisation (ILO)^{9,10}. The ECHR had already recognized the fundamental right of workers to engage in collective bargaining and take industrial action to achieve that end, in its decision in the *Demir and Baykara v Turkey* case in 2008,¹¹ and reaffirmed its position with its recent verdict in the *Ognevenko v Russia* case in November, 2018;¹² in the latter case the ECHR concluded that dismissing a worker after taking part in a strike, constitutes a disproportionate restriction of the worker's right to freedom of association, according to Article 11 of the European Convention on Human Rights, thus further facilitating the link between the Convention's provisions and the right to strike.¹³ It is important to note, however, that this recent decision was predated by the *National Union of Rail, Maritime and Transport Workers v United Kingdom* case in 2014,¹⁴ in which the ECHR held, according to Novitz, that "a right to strike may be protected under Article 11 but is not an essential element of freedom of association."¹⁵

European Union Legislation

The right to strike is, in theory, recognized by many instruments of the European Union. It is included in the Community Charter of the Fundamental Social Rights of Workers of 1989 (Article 13),¹⁶ which, however, lacked binding force; nonetheless, according to Novitz, the instrument was intended to be implemented.¹⁷ It was also included in the

Council Regulation (EC) No 2679/98, also known as the “Monti” Regulation, of 1998.¹⁸ However, vis a vis the content of the right to strike, the “Monti” Regulation leaves its definition to the national laws of the Member States. More importantly, striking is recognized as a right by Article 28 CFR, which was given legal effect by the Treaty of Lisbon in 2009. Entitled “Right of collective bargaining and action”, Article 28 states that “(w)orkers and employers, or their respective organisations, have, in accordance with Union law and national laws and practices, the right to negotiate and conclude collective agreements at the appropriate levels and, in cases of conflicts of interest, to take collective action to defend their interests, including strike action.”¹⁹

Nevertheless, the relationship between the right to strike and the EU has always been a turbulent one. According to Novitz, both the EU and its predecessors, the European Economic Community and the European Community, had been unwilling to regulate industrial action.²⁰ Article 151 TFEU states that the objectives of the EU and its Members are “the promotion of employment, improved living and working conditions, so as to make possible their harmonisation while the improvement is being maintained”.²¹ *Nota bene*, the provisions of Article 151 TFEU are supposedly based on the European Social Charter (ESC),²² whose Article 6, as mentioned *supra*, recognizes striking as a right.²³ However, the right to strike, imperatively essential as it may be in improving living and working conditions, is explicitly excluded from the legislative competences of the EU. As indicated in Article 153(5) TFEU, the provisions covered in Article 153 “shall not apply to pay, the right of association, the right to strike or the right to impose lock-outs.”²⁴ The formal exclusion of those rights from the

legislative competence of the EU under the TFEU, is rooted, by Novitz account, in the notion that such industrial relations matters should be kept under the authority of the Member States, which should act according to the standards set by the ILO.²⁵

As Novitz argues, the traditional reservations the EU had about dealing with industrial action, its aforementioned passive and indirect influence, have recently been put aside.²⁶ Despite Article 54 CFR stating that “(n)othing in this Charter shall be interpreted as implying any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms recognised in this Charter or at their limitation to a greater extent than is provided for herein.”,²⁷ in Novitz's opinion the CJEU have been consistently prioritizing free movement entitlements over industrial action. Striking has been severely restricted within the EU under the assumption, many a time correct, that workers' collective action might limit the exercise of commercial freedoms under the TFEU, i.e., inter alia the free movement of services and the freedom of establishment. In a manner reminiscent of the Wagner Act in the US in 1935, the CJEU recognized striking as a right with the same decisions that limited it; its verdicts on the *Viking* and *Laval* cases in 2007.²⁸

The Laval Quartet

To say that the literature analyzing the *Viking* case²⁹, and the three other cases constituting the infamous Laval Quartet, is extensive, would be an understatement;³⁰ this is quite indicative of the massive significance of those cases.³¹ The events behind *Viking*, in brief, are as follows. Viking, a Finnish company,

owned a ferry, covering the line between Helsinki and Tallinn, in Estonia. It was operating under the Finnish flag and with a crew comprised mostly by Finnish sailors covered by a collective agreement with the Finnish Seamen Union (FSU). When the agreement expired in 2005, Viking had in mind to re-flag the ship, registering it in Estonia, begin paying their Estonian sailors with lower wages and compensate the wage loss of their Finnish crew with bonuses, for the duration of the next agreement. The FSU, probably realizing that, as soon as that agreement expired, the Finnish sailors would have to accept lower wages or be replaced by an Estonian crew,³² threatened Viking with industrial action. Moreover, the FSU contacted its affiliate, the UK-based International Transport Workers' Federation (ITF), which has a very well-known and strict policy against the use of flags of convenience, i.e. companies from one country benefiting by the use of the flag of another with lower labour standards; the ITF called on its affiliated member unions not to negotiate with Viking. Viking applied to the British High Court for an injunction to stop the trade unions from interfering with its freedom of establishment, under Article 43 TEC, now Article 49 TFEU.³³ The High Court decided in favour of Viking, but the Court of Appeal referred the issue of whether a company could depend on the right to freedom of establishment, to challenge the actions taken by a trade union, to the CJEU.³⁴

The CJEU, after determining that free movement entitlements should be protected from the actions of trade unions, and not just public authorities,³⁵ moved on to recognize, for the first time, the right to take collective action, relying on a diverse variety of sources, like Article 28 CFR, Convention No. 87 of the ILO³⁶ and Article 6(4) ESC.³⁷ However, it ultimately

decided that the actions of the unions could constitute a violation of freedom of establishment. Collective action could only be justified as a last resort and only if it is proportionate to the harm suffered. The aim of collective action, according to the CJEU, should only be the protection of workers' wages and job positions; this extremely narrow definition of workers' interests would brand the actions of the unions illegal, since the jobs and wages of the Finnish sailors were not immediately threatened.³⁸

The verdict on the *Viking* case was followed a week later by the decision on the *Laval* case.³⁹ A construction company from Latvia, Laval, had posted workers to Sweden to work for Baltic Bygg, its Swedish subsidiary. The Swedish Building Workers' Union (Svenska Byggnadsarbetareförbundet, Byggnads) sought to persuade the company to sign its collective agreement, which would have been more favourable than the terms required to protect posted workers under the Posted Workers Directive.⁴⁰ Laval, of course, refused, and when the negotiations broke down, Byggnads, along with the Swedish Electricians' Union (Elektrikerna), blockaded some of the company's building sites in Vaxholm. However, Laval would not yield, resulting in the termination of the contract that Baltic Bygg was working on and, subsequently, the bankruptcy of Baltic Bygg. Laval then began proceedings in Sweden to declare the industrial action illegal, claiming that the blockade infringed its right to free movement of services under Article 49 TEC, now Article 56 TFEU.⁴¹ Nota bene, the Confederation of Swedish Enterprise (SN) had financially supported Laval as it pursued its case, both in the Swedish Labour Court and in the CJEU, even after the company itself had declared bankruptcy; this is indicative of the great interest the national bourgeoisie

had in reducing the scope of trade union industrial action.⁴²

The Swedish court referred the matter to the CJEU, which determined that it would be a violation of EU law for a union to call any form of collective action, including strikes and blockades, to pressure an employer to engage in collective bargaining vis a vis posted workers, as this would, presumably, impose unpredictable costs on the service provider from another Member State, and that would be a breach of the Posted Workers' Directive.⁴³ In the eyes of the Court, the only justifiable reason for collective action against free movement of services, would be social dumping. The protection of the host state's workers from social dumping may be a valid reason of public interest to allow collective action, but, always according to CJEU, this was not the case in this situation; the collective bargaining system in Sweden was, in the eyes of the Court, not "sufficiently precise and accessible" for the company to know its obligations in advance.⁴⁴

The trade unions in both cases apparently proved quite competent in organizing industrial action to protect the interests of their members. Fear of FSU's reaction had held Viking's re-flagging plans at bay before Estonia joined the EU,⁴⁵ and the ITF's boycott of the company was apparently successful enough for Viking to primarily target that union by applying to British courts; as of Byggnads and Elektrikerna, the bankruptcy of Baltic Bygg was a direct result of their blockades, at least according to Laval.⁴⁶ This, if nothing else, speaks volumes of the two unions' competence in organizing a successful picket line. Alas, they paid dearly for their success in defending the rights of workers. The Labour Court in Sweden fined the two trade unions to pay €65,700 in so-called

general damages, plus interest and legal costs, to Laval's bankruptcy estate, and the Swedish government, ignoring the pleas from the Swedish Trade Union Confederation (LO) to change the countries collective agreement legislation to ensure that foreign workers receive equal treatment as Swedes, used the CJEU's ruling as an excuse to impose restrictions on the rights to industrial action.⁴⁷ Specifically, with an amendment to the law regulating posted workers in 2010, referred to as *Lex Laval*, a significant restriction was imposed on the trade unions' ability to employ industrial action against companies who had refused to permit their posted workers to be covered by Swedish collective agreements.⁴⁸ The Swedish government's reaction to the *Laval* case received severe criticism from the ILO,⁴⁹ and *Lex Laval* was declared a violation to the European Social Charter by the Council of Europe's European Committee of Social Rights, in 2013.⁵⁰ Moreover, according to Novitz, in both *Viking* and *Laval* the trade unions were considered as suitable targets for the CJEU to apply horizontal liability, due to the impact of industrial action in collective bargaining and the regulation of paid work; however, unlike governments, unions were not allowed to claim public interest justifications for their actions. This opened Pandora's box for unions operating within the EU; simply put, they "could potentially bear unlimited costs for calling industrial action which might have cross-border effects, but were left without many defences and with a great deal of uncertainty as to whether, after the fact, their actions would be found to be proportionate."⁵¹ According to Rebecca Zahn, the CJEU essentially prompted national courts to get involved in the autonomous bargaining procedures that structure collective relations, an involvement which, in effect, limits the right of unions to collective action.⁵²

It is often argued that *Viking* and *Laval* essentially had to do with managing the challenges brought by the EU enlargement.⁵³ According to A. C. L. Davies, those decisions reflected “the fact that the ECJ regards its own role as one of protecting and promoting the fundamental principles of Community law. The removal of barriers to intra Community trade is one of those fundamental principles.”⁵⁴ Indeed, the events of the two cases took place shortly after the largest expansion of the EU, in 2004, and the verdicts came out less than a year after the expansion was completed in 2007. The CJEU had a chance to join the unions in their efforts, by taking a strong stance against social dumping. Sadly, its decisions proved that the Court's objective was quite the opposite. It did not take long for the CJEU to also target Member States on the subject, with its verdicts on the two other cases of the Laval Quartet. Since those verdicts are not directly related to the object of this study, they will be mentioned only in brief. In the *Riiffert* case,⁵⁵ the CJEU ruled that governments are precluded from adopting legislation that would permit contractors for public works contracts to engage only with undertakings which agree to pay their workers the rate set by a collective agreement.⁵⁶ In the *Luxembourg* case,⁵⁷ the Court held that it is outside the competence of the Member States to define themselves which national public policy provisions are significant enough to apply to national and foreign service providers equally.⁵⁸

Although the supra argument, i.e. that *Viking* and *Laval* had more to do with managing the challenges brought by the EU enlargement, is definitely valid, taking it at face value might lead to the conclusion that the limits on industrial action were more of a “collateral damage” effect. This would be a very

difficult to support deduction, since it seems clear that trade unions and their rights to collective action had been a primary target of the CJEU. Case in point, the EU institutions attempted to limit the consequences of these cases, vis a vis social dumping, from early on; recital 35 of the 2008 Rome I Regulation states that, in terms of conflicts of laws, mandatory rules for employees “can only be derogated from to their benefit.”⁵⁹ In addition, it might have taken the CJEU almost a decade, but eventually it took its first shy step against social dumping,⁶⁰ with its decision on the *Regiopost* case.⁶¹ Similar measures to alleviate the right of collective action from its imposed restrictions have yet to be taken. Moreover, as Davies concludes, the CJEU's approach to human rights is at least “ambivalent, as illustrated by the marked contrast between, for example, *Omega Spielhallen*⁶² and *Viking and Laval*.”⁶³ In the latter cases, according to Davies and Alicia Hinarejos, the CJEU did not determine restrictions placed upon the right to strike, but, conversely, it considered the right a restriction upon two of the EU fundamental freedoms, putting the burden on the trade unions to prove that their actions had a legitimate aim and were not disproportionate.⁶⁴ On the contrary, in the *Omega Spielhallen* case, the Court decided that safeguarding the fundamental principle of dignity can not be regarded as a measure unjustifiably restricting the freedom to provide services.⁶⁵

Lindsey Oil Refinery Strikes

True to the theme of limitations facilitating radicalization, the workers themselves had to find solutions to both the issues of posted workers and the limits to industrial action. The most indicative attempt of workers to do so, would be the 2009

Lindsey Oil Refinery strikes in the UK, a series of wildcat strikes in the energy industry.⁶⁶ Initially, strikers were protesting the outsourcing of their jobs, facilitated by the Posted Workers' Directive,⁶⁷ after that matter was settled, wildcat strikes broke out due to a subcontractor at the Lindsay plant firing 51 workers.⁶⁸ In response to the strike, the company fired almost 700 workers, resulting to a massive escalation, with thousands of workers from various plants all over the country joining the struggle.⁶⁹ The strikers opted to organise their actions in a way that was not officially involving any unions. By choosing to strike illegally, they sacrificed any chance of protection during the strike, or in the case the strike failed. However, with no union to organise the actions, there was no target for the companies to victimize during or after the strikes, like in the *Viking* and *Laval* cases. Nevertheless, unions were involved in the struggle, with the union GMB leading the negotiations that eventually ended the strikes.⁷⁰ The deal included the reinstatement of the workers at the Lindsey plant who had been sacked for taking part in the wildcat strikes, offers of alternative jobs for the 51 laid off workers and assurances that no workers who walked out in solidarity would be punished for it.⁷¹ With the union unauthorized to decide for them, the strikers had to vote whether to accept the agreement; which they eventually did, at a mass meeting outside the refinery.⁷²

Crisis and Post-Crisis

The Lindsey Oil Refinery strikes occurred in the wake of the 2009 fiscal crisis in Europe. It may be hard to keep in mind, due to their reasoning and spirit, that the cases comprising the Laval Quartet happened before the global financial crisis, and

that those verdicts were, in fact, merely the beginning of the EU-supported assault against unions and industrial action. According to Novitz, since the onset of the crisis the EU has striven to regulate the economic policies of Member States, vis a vis both government expenditures and the setting of wages.⁷³ As it will become evident in later chapters, the austerity measures included in the memoranda of understanding that came with bailout packages, enforced by the European Central Bank, the European Commission, the International Monetary Fund and the national bourgeoisie,⁷⁴ had grave consequences for collective bargaining and industrial action. In the four countries that were submitted to a bailout program – Greece, Ireland, Portugal and Cyprus – and the four countries that received “financial assistance programs” – Spain, Hungary, Latvia and Romania – workers did not take these measures lying down, and their reactions had to be repressed by any means necessary, including, of course, the curtailment of their rights to collective action.⁷⁵

It is highly debatable whether the financial crisis and the Great Recession are over,⁷⁶ but what is certainly not over are the micro-economic management attempts of the EU, including its assault on workers' rights; on the contrary, they take a much wider and inclusive form, that of the Europe 2020 Growth Strategy⁷⁷ and the Country Specific Recommendations (CSRs) made to Member States both within and out of the eurozone.⁷⁸ These Commission's recommendations, approved by the Council, are addressed to each individual Member State, and, according to Novitz, their common focus is, in a familiar pattern, debt reduction and reform of wage setting. The key objectives of the Commission are the reduction of public spending to address budgetary deficits, as well as a general

reduction of wages to attract and maintain foreign investments. Consequently, the EU clamps down on trade union involvement in wage setting in the public sector, with a number of legislative measures.⁷⁹ These include legal restrictions to collective bargaining in the public sector, a traditional stronghold of trade unions, and thus a source of major objections vis a vis structural reforms such as wage reduction and working time increase, as well as general measures to dismantle national and sectoral level bargaining.⁸⁰

4.2 The International Labour Organization

When examining the international context of the national restrictions to collective bargaining and industrial action, the recent serious conflicts within the International Labour Organization (ILO), vis a vis the right to strike, should not be ignored. This is due to, inter alia, the fact that both the European Court of Human Rights and the Court of Justice of the European Union often reference the ILO Conventions and the work of its supervisory bodies in their decisions, as it was mentioned supra. Moreover, many of the legal developments in the countries studied in later chapters happened during or just after the right-to-strike crisis within the ILO.

To set the stage, it is important to keep in mind that the aforementioned right is not mentioned explicitly in the ILO Conventions, nor in its Recommendations. However, this is not to say that the ILO disregards striking completely. According to Bernard Gernigon et al, not one, but two ILO resolutions underline the importance of the right to strike.⁸¹ The 1957 “Resolution concerning the Abolition of Anti-Trade Union Legislation in the States Members of the International Labour

Organisation”, called for the adoption of “laws ... ensuring the effective and unrestricted exercise of trade union rights, including the right to strike, by the workers”,⁸² and the 1970 “Resolution concerning Trade Union Rights and Their Relation to Civil Liberties” advised the Governing Body to charge the Director-General with “considering further action to ensure full and universal respect for trade union rights in their broadest sense”, rights including the “right to strike”.⁸³ Additionally, both C105⁸⁴ and R092⁸⁵ mention strikes, albeit incidentally.

The two bodies that supervise the application of ILO standards, the Committee on Freedom of Association (CFA), since 1952, and the Committee of Experts on the Application of Conventions and Recommendations (CEACR), since 1959, are responsible for the “regulation” of the right to strike. Both these committees have repeatedly voiced the opinion that the right to strike is a fundamental right of workers. They also have defined the limits within which this right may be exercised, and gave rise to substantial “case law”, in the broad sense of the term, based on the provisions of Article 3 and Article 10 of the 1948 Freedom of Association and Protection of the Right to Organise Convention.⁸⁶ Moreover, the CFA, as early as 1952, at its second meeting, recognized strike action as a right, and, in the years that followed, limited the legal restrictions on the right to strike, declared that the right to strike must be exercised in service of the workers' economic and social interests and took a stand against acts of anti-union discrimination. The CEACR even went as far as recognizing alternative forms of industrial action as striking, and thus as a right.⁸⁷ Nota bene, the CFA ensured that purely political strikes are excluded from the ILO's international protection. According to the CFA, “strikes of a purely political nature ... do not fall

within the scope of the principles of freedom of association”, based on the definition of “workers’ organization”, found in Article 10 of Convention No. 87.⁸⁸ However, as Gernigon et al explicitly stated “(i)t should at once be noted that the Committee on Freedom of Association and the Committee of Experts have rejected the notion that the right to strike should be confined to industrial disputes that are likely to be resolved through the signing of a collective agreement.”⁸⁹

According to Claire La Hovary, when the CEACR first claimed that the right to strike could be derived from C87, the Employers' organizations within the ILO did not object, nor did they raise any opposition to the CEACR's interpretation of C87 in the years that followed, between the late 50s and late 80s.⁹⁰ The Employers’ spokesperson in the CAS between 1983 and 1994, Wisskirchen, had stated that, “[f]or obvious reasons, no issue was made of this and many other differences during the long years of the Cold War’.”⁹¹ Since the collapse of the Eastern Bloc, the Employers' Group dropped the facade and regularly objected the CEACR's interpretation of the right to strike.⁹²

It was at the session of the International Labour Conference in June, 2012, that the situation escalated; the Employers' Group announced that they would refuse to acknowledge any case where the CEACR's Annual Report contained observations regarding the right to strike. Furthermore, when the Employers met with the CEACR in November, they urged the Committee to “reconsider its position on the right to strike’ and ‘immediately suspend any references to this right in future reports until tripartite discussion ha[d] taken place on this issue’.”⁹³ This complete refusal to discuss an entire area of Law

was an unprecedented move, and it brought the ILO's supervisory system to a standstill that lasted for more than two years. The Workers' Group insistence that the right to collective bargaining includes the right to strike, was pitted against the Employers' equally correct position that the right to strike is not mentioned explicitly in the ILO Conventions, and thus the CEACR was acting unilaterally.

This deadlock was broken only after the Governments' Group, which previously had been split on the issue, opted to support the Workers' Group position at the tripartite meeting on the 25th of February, 2015. Both the support by the Governments' Group and the decision of the Employers to back down from their claim and to issue a joint statement⁹⁴ with the Workers' Group affirming that the right to industrial action is recognized by the ILO, were the result of a global protest day on the 18th of February; over one hundred actions in favour of the right to strike took place in more than 60 countries.⁹⁵ Even in the ILO, it seems, between equal rights force decides.⁹⁶

- 1 United Nations Human Rights Office of the High Commissioner, 'International Covenant on Economic, Social and Cultural Rights' (*Ohchr.org*, 1 February 2001)
<<https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>> accessed 9 June 2019.
- 2 Tonia Novitz, *International and European Protection of the Right to Strike: A Comparative Study of Standards Set by the International Labour Organization, the Council of Europe and the European Union* (Oxford University Press 2003).
- 3 European Court of Human Rights & Council of Europe, 'European Convention on Human Rights' (*Coe.int*, 1 February 2001)
<https://www.echr.coe.int/Documents/Convention_ENG.pdf> accessed 10 June 2019.
- 4 Council of Europe, 'European Social Charter (Revised)' (*Refworld*, 3 May 1996) <<https://www.refworld.org/docid/3ae6b3678.html>> accessed 6 May 2019.
- 5 Tonia Novitz (2003) (*ibid*) 125.
- 6 *Ibid*.
- 7 Case *Enerji Yapi-Yol Sen v Turkey* [2009] ECHR 2251.
- 8 Eurofound, 'Right to strike' (*Europa.eu*, 29 November 2010)
<<https://www.eurofound.europa.eu/observatories/eurwork/industrial-relations-dictionary/right-to-strike>> accessed 10 June 2019.
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29 Case C438/05 *International Transport Workers' Federation (ITF) and Finnish Seamen's Union (FSU) v Viking Line* [2007] ECR I-10779.

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31 Cases of extreme political significance as well, with 17 of the then 27 Member States intervening in the *Laval* case alone.

32 Not to mention that years of the Finnish workers being paid more than the Estonians for the same amount of work, would most certainly quell any hope for the two groups ever joining together on a future occasion, to fight for their rights. Trade unions, similar to companies and governments, must be far-sighted.

33 Consolidated Version of the Treaty on the Functioning of the European Union (TFEU) [2012] OJ C326/67

34 A C L Davies (ibid).

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39 Case C341/05, *Laval un Particlecleneri Ltd v Svenska*

Byggnadsarbetareförbundet, Svenska

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76 Since, *inter alia*, the economy of many countries within the EU has not reached pre-2008 levels yet (Europa.eu, 'Council recommendation on the economic policy of the euro area' (*Europa.eu*, 23 January 2018)

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83 ILO, Resolution concerning Trade Union Rights and Their Relation to Civil Liberties [Committee on Trade Union Rights] (Geneva 3 – 25 June 1970) 735-736 (as cited in *ibid* 7).

84 ILO Convention C105: Abolition of Forced Labour Convention (Convention Concerning the Abolition of Forced Labour) (40th ILC Session Geneva 25 June 1957).

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87 “When the right to strike is guaranteed by national legislation, a question that frequently arises is whether the action undertaken by workers constitutes a strike under the law. Any work stoppage, however brief and limited, may generally be considered as a strike. This is more difficult to determine when there is no work stoppage as such but a slowdown in work (go-slow strike) or when work rules are applied to the letter (work-to-rule); these forms of strike action are often just as paralysing as a total stoppage. Noting that national law and practice vary widely in this respect, the Committee is of the opinion that restrictions as to the forms of strike action can only be justified if the action ceases to be peaceful.”ILO, (1994a) [173] (as cited in *ibid* 12).

88 Bernard Gernigon and others (*ibid*) 14.

89 Bernard Gernigon and others (*ibid*) 13.

90 Claire La Hovary, 'The ILO's Employers' Group and the Right to Strike' [2016] 22(3) *Transfer: European Review of Labour and Research* 401 – 404.

91 *Ibid*.

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93 ILO, Report III (Part 1A), Report of the Committee of Experts, ILC, 102nd Session, 2013, para 15 (as cited in *ibid*).

94 International Labour Organization, 'Tripartite Meeting on the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No 87), in relation to the right to strike and the modalities and practices of strike action at national level' (*Ilo.org*, 25 February 2015) <https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_346764.pdf> accessed 9 May 2019.

The International Organisation for Employers was quick to state that the supra joint statement recognized the right to industrial action in general, and not that there was a right to strike within the scope of C87 (IOE, Outcome and Steps Arising from 23–25 February ILO Tripartite Meeting on the Standards Supervisory System, February 2015 (as cited in Claire La Hovary, (*ibid*)).

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Chapter 5 – United Kingdom

5.1 Solidarity Unionism in the UK

The first of the EU Member States to limit its right to strike post-crisis was the United Kingdom (UK); it is thus the first national case this study focuses on, quite fittingly since the origins of trade unionism can be traced back to 18th century Britain. Centuries of primitive accumulation violently deprived massive populations from basic subsistence and drew them into new roles, forming the urban proletariat.¹ Despite the great hostility unionism was facing in that era, with trade unions and collective bargaining being outlawed in the Kingdom of England from as early as the 14th century, when the Ordinance of Labourers was enacted,² these unskilled or semi-skilled labourers did in fact organise, albeit in a spontaneous and not systematic manner. Labour movements, like Luddism in the 18th century and Chartism in the 19th century, were manifestations of workplace militancy.³ In addition, the General Union of Trades, formed in 1818 Manchester and masquerading under the name Philanthropic Society, was, according to G. D. H. Cole, possibly the first labour organization to break away from the craft-guild tradition by uniting workers from different occupations.⁴ Sidney and Beatrice Webb's seminal work, *History of Trade Unionism*, recognizes the formation of the National Association for the Protection of Labour in 1830 by John Doherty, as the first successful attempt to establish a national general union.⁵ After the Chartist movement was defeated however, the British trade unionism's mentality, according to Gareth Jones, became conciliatory to say the least,⁶ which brought great criticism

upon its leaders; as early as 1872, in the Hague congress of the First International,⁷ Karl Marx denounced the leaders of the British trade unions as being on the payroll of the Liberal Party.⁸

It has been over a century since then, and the mainstream unions in the country are apparently still operating in ways that leave a lot to be desired. This was made obvious when, in the end of the 20th century and after twenty years of declining membership, a major change in strategy and tactics took place within mainstream unions. According to Jack Kirkpatrick, the two new competing opinions about how to retain membership were, on the one hand, that unions should adhere to a conservative, partnership-minded “service-model”, where a good relationship with the employer is maintained and a number of services are provided for members, and, on the other hand, that unions should reinsert themselves into social movements, by engaging workers directly and dealing with issue-based campaigns.⁹ The latter opinion, dubbed “new unionism”, was inspired by the success of the “new” organizing tactics the SEIU was employing in the US, like in the famous Justice for Janitors campaign,¹⁰ as well as by the formation of The East London Citizens Organization (TELCO); a very significant civil society organization, which later re-branded to London Citizens and then to Citizens UK.¹¹ Although both ideas were eventually employed, the “new unionism” seemed to be the prevailing one in the first years of the 21st century, and the two largest trade unions in the UK, Unison and Unite,¹² began working with TELCO activists.¹³

Arguably, the two most important campaigns to come out of this cooperation were the Justice for Cleaners campaign and

the London Living Wage¹⁴, both with a great level of success.¹⁵ Nevertheless, similarly to the SEIU, the mainstream unions' inherent structural characteristics, presented in Chapter 1, became serious obstacles to properly running campaigns, and severely limited the beneficial effects those campaigns had when successful.¹⁶ Mainstream unions may rely on the active involvement of members to run campaigns, but, for reasons presented in Chapter 1 and re-examined later on this chapter, those campaigns had to remain theirs to decide over. In Kirkpatrick's opinion, the hierarchical bureaucratic ways of running things, a product of, *inter alia*, decades of patronizing workers and truly believing that they are weak, in need of protection and unable to make the right decisions, is leading to miscommunication between the head union organisers and the member base.¹⁷ With the “partnership” deals major unions had with major employers, worker militancy had to be kept under very strict limits.¹⁸ Turning militancy on and off might seem like a smart tactical move, but in practice, always according to Kirkpatrick, it is the quickest way to workers' disaffection, inaction and indifference, especially if these workers are not aware of the plan's details or the general strategy.¹⁹

Kirkpatrick explains how the mainstream unions' structures created absolute limits to the kind of support they can offer to workers, and its amount. Unionising large groups of cleaners in major buildings was profitable for the unions involved; the same could not be said for cleaners working in smaller establishments, who also wanted to join the fight, after the word got out about the success of these campaigns.²⁰ Moreover, while most of the cleaners that were union members were in the country legally, great numbers of cleaners in London were undocumented immigrants.²¹ Thus, Citizens UK launched its

Strangers into Citizens campaign, to advocate for the legalization of some immigrants based on certain criteria. However, the Latin American Workers Association (LAWAS), affiliated with the major unions, rejected those criteria; going against the wishes of its affiliated unions, it vocally proclaimed that “No One Is Illegal” in every demonstration during that campaign.²² Furthermore, before long, victories began to ring hollow. Workers who had won the Living Wage found themselves working for more hours, and some of them soon lost their jobs, including major recruiters for the trade unions, who did not receive any support from them after they were fired.²³

Faced with those limits of support mainstream unions could or were willing to provide, certain categories of workers were left with no other choice but to look for, or create, alternatives. Case in point, the LAWAS members voted to leave Unite and join the Industrial Workers of the World (IWW), which was re-launched in the UK in the 1990s,²⁴ forming the IWW Cleaners Branch in 2011.²⁵ However, the IWW is by no means the only independent minority union fighting for workers rights, in the era of austerity that are the years during and after the financial crisis. The International Workers Union of Great Britain (IWGB) was formed in 2012, after a breakaway from Unite and Unison over disagreements about how to get better working conditions for cleaners at the University of London, and, more widely, about how to run trade unions.²⁶ The United Voices of the World (UVW), was formed in 2014 and originated in the Living Wage campaign, specifically in the long-running effort to secure the Wage for outsourced cleaners at the Barbican Centre.²⁷ Those are prime examples of self-reliant grassroots unions implementing community building

and collective action to win gains.²⁸ Together with smaller, industry-specific unions, like the Cleaners and Allied Independent Workers Union (CAIWU), they organise the most vulnerable of UK's workers, i.e. severely underpaid, outsourced or bogus “self-employed” labourers, like, inter alia, cleaners, carers, couriers and security staff, often with a migration background.²⁹ Contrary to the dismissal of these workers as impossible to organise by the mainstream unions, these solidarity unions steadily increase their membership, all while fighting against corporate giants and outsourcing companies and winning victory after victory.³⁰

The UVW Campaigns

The UVW rise to prominence began with representing small groups of workers in disputes with global corporations like Topshop³¹ and Sotheby's.³² Adhering to a radical approach to organising precarious workers, employing various unconventional methods during protests and indefinite strikes, the union has campaigned victoriously against, inter alia, Harrods,³³ the Royal Borough of Kensington and Chelsea,³⁴ the Orion Waste Management³⁵ and the 100 Wood Street offices in the City of London.³⁶ Their most famous victory, however, came in 2017, when they became the first union in the UK to beat outsourcing.³⁷ The arena of this victory was no other than the London School of Economics, where workers' independent struggles were taking place since at least 2012.³⁸ In the summer of that year, the UVW organised major campus demonstrations and weekly strikes, attracting significant support even from students, despite those protests happening within the exam period. That resulted in 200 outsourced workers being offered in-house contracts in June 2017, ending the 10-month

campaign.³⁹

Currently, the UVW has been organizing sex workers and strippers, supported by groups fighting for the decriminalization of sex work, according to the brief interviews of UVW members filmed by Sky News for a segment on stripper unionisation.⁴⁰ In addition, UVW has launched Legal Sector Workers United, to organise legal sector workers across the country, in 2019.⁴¹ Moreover, the UVW's longest-running campaign is taking place at the Ministry of Justice, where an outsourced workforce, comprised by cleaners, security guards and receptionists, are demanding the London Living Wage, as well as equal treatment with civil servants when it comes to sick pay and annual leave. The UVW has organised two strikes in the Ministry already; the first in August 2018 and the second, in combination with the Public and Commercial Services Union striking at the Department for Business, Energy and Industrial Strategy, in January 2019.⁴² In this particular struggle, the UVW, according to Callum Cant, is applying the aforementioned chessboard strike.⁴³

The IWGB Campaigns

The story behind the union's formation is worth telling, as it is indicative of the mainstream unions' problematic function, and how independent solidarity unions can be a viable alternative. As mentioned supra, the IWGB was born out of a disagreement with major unions, over how to get better working conditions for cleaners at the University of London.⁴⁴ The University of London's cleaners had been fighting for improved conditions since 2011; members of Unison at the time, they had already won the London Living Wage. When the cleaners initiated their

3 Cosas Campaign, symbolizing the three areas ('tres cosas') where the disparity between University and contract workers is greatest – sick pay, holidays and pensions⁴⁵ – Unison became a hindrance to their struggles; it was unwilling to provide any support for the new campaign, used some technicalities as an excuse to declare the cleaners votes in union elections invalid and, when the cleaners protested outside of the union's offices, it called the police on them.⁴⁶ The cleaners then voted to leave Unison, and join the IWGB. The 3 Cosas strike continued, and it is notable both for receiving wide support, even by Members of Parliament (MPs),⁴⁷ and for the unconventional means the cleaners used to protest, with the strikers using red balloons and sound systems playing samba music while turning delivery vehicles away from the university's gates and booing people who entered the campus.⁴⁸ In spite of the resistance from both the University of London and their subcontractor employer, Balfour Beatty Workplace (BBW), the 30-month campaign was ultimately victorious. However, the University and BBW refused to recognise the IWGB as the union which represents the cleaners, and instead chose to negotiate with Unison. It took another strike action by the IWGB, a 48-hour walkout, for BBW to agree on the cleaners demands. Unison was more than happy to take the credit for the victory,⁴⁹ with the University tweeting that "credit goes entirely to BBW and Unison for the agreement. Constructive dialogue vs staff intimidation".⁵⁰ In September of the same year, the University of London branch of the IWGB launched its "Back in House" campaign, demanding that the university abolishes outsourcing and zero hours contracts completely, and keeps its promise for increased wages. The campaign was comprised by a number of strikes, including the largest strike of outsourced workers in higher education history,⁵¹ a landmark legal challenge claiming that

the University's refusal to negotiate directly with their de facto employees is in violation of Article 11 of the European Convention on Human Rights,⁵² and a blockade of the Senate House that is still going on (at the time of writing – June 2019), due to the University's continuing unwillingness to provide concrete commitments on the union's demands.⁵³ The campaign is supported by many politicians, academics and trade unionists, in the UK and abroad.⁵⁴

In March 2018, the IWGB became the first union to receive official recognition for collective bargaining within the gig-economy. The IWGB was organizing a campaign against The Doctors Laboratory (TDL), a private courier company providing the National Health Service with delivery services. TDL was not recognising the IWGB for many months, until the Central Arbitration Committee forced the TDL to recognise the union as representative of the couriers. Even before its recognition, the union had successfully obtained full employment status for a number of TDL workers.⁵⁵

In the meantime, the IWGB has received national and international acclaim,⁵⁶ by waging a number of high-profile campaigns, as well as for getting involved with central politics in at least two occasions. In 2016, it engaged in the *R (Miller) v Secretary of State for Exiting the European Union* case.⁵⁷ The IWGB intervened on the grounds that the UK's decision to leave the EU necessitates a debate in Parliament, because of the effects that decision has on the union's members. The IWGB were allowed to provide a written submission on issues surrounding the UK's decision to leave the EU.⁵⁸ In 2017, the IWGB co-authored a legal letter to the government, claiming that it was legally necessary for the latter to seek the approval

of the Parliament for the £1 billion payment to Northern Ireland; that sum was promised to the Democratic Unionist Party by the UK's Prime Minister Theresa May, following the signing of the 'Confidence and Supply' Conservative-DUP Agreement. The IWGB justified its involvement on the grounds that a large number of its members' occupations depend on public money, which austerity measures deprive from the workers. However, as the general secretary of the IWGB Dr Jason Moyer-Lee stated, "when it comes to keeping themselves in power, this government's fiscal discipline quickly dissipates."⁵⁹ Following the issuing of the legal letter, the government announced that they would be seeking parliamentary approval before the release of these funds to Northern Ireland.⁶⁰

The IWGB is notable for utilizing both direct action and the legal system in its campaigns, all the while using social media to generate widespread publicity and support. The use of the legal system specifically, makes the IWGB unique, not just compared to other solidarity unions, but, to some extent, to UK's unions in general;⁶¹ with the employees' legal rights being extremely limited in the country, even mainstream unions avoided litigation.⁶² The Foster Carers branch of the IWGB, the first ever trade union of foster care workers,⁶³ aided a Glasgow couple in a court case in 2017. The case revolved around whether the pair of foster workers should be considered Local Authority workers. In a very significant ruling, the Employment Tribunal held that they were indeed employees, marking the first time that foster carers had been considered employees in the UK.⁶⁴ In the *Dewhurst v Citysprint UK Ltd* case, Mags Dewhurst and the IWGB won against CitySprint, when the Employment Tribunal found that Ms. Dewhurst

should be classified as a worker rather than self-employed. The Tribunal labeled the contract “contorted”, “indecipherable” and “window dressing”, and held that “(i)t is CitySprint which has the power to regulate the amount of work available, and it keeps its couriers busy by limiting the size of the fleet.”.⁶⁵ Devoted in its task to get rightful recognition for bogus “self-employed” as employees, the IWGB successfully supported claimants in the cases of *Mr A Boxer v Excel Group Services Ltd*,⁶⁶ *Mr C Gascoigne v Addison Lee Ltd*⁶⁷ and *Uber BV v Aslam*; In the latter case, the Tribunal concluded that Yaseen Aslam and James Farrar, drivers for Uber and chair and secretary of the Private Hire Drivers Branch of the IWGB, were workers, and, accordingly, entitled to both minimum wage and holiday pay. The Tribunal found that Uber was to be regarded as an employer, saying that the idea that the company was a “mosaic of 30,000 small businesses linked by a common 'platform'” was “faintly ridiculous.” Uber's appeal of the decision was dismissed in November 2017, and a further appeal to the Court of Appeal was dismissed in December 2018. With Uber being granted permission for a final appeal, the Supreme Court remains the company's last hope to overrule the verdict.⁶⁸ In addition to these cases, when IWGB member Demille Flanore made an Employment Tribunal claim against eCourier, contesting his status as an independent contractor, the company opted to admit to wrongly denying employment benefits to him and to incorrectly classifying him as an independent contractor, rather than contest the case.⁶⁹

The IWGB are probably most famous about their struggle against Deliveroo, a British online food delivery company, over the classification of the latter's couriers. Deliveroo claims that its thousands of couriers are self-employed contractors, rather

than employees, and it is known to have been creating vocabulary to avoid recognizing their employment status.⁷⁰ In 2016, the IWGB organised a strike of Deliveroo riders and successfully foiled the company's plans for new pay terms.⁷¹ This victory initiated a wave of actions by platform-workers across Europe.⁷² In 2017, however, in a setback that showcased the possible limits of reliance on the legal system, the Central Arbitration Committee held that Deliveroo riders are indeed self-employed;⁷³ the ruling was reaffirmed in December 2018, when the High Court dismissed the claim for a judicial review of the decision.⁷⁴ Dedicated in their struggle to achieve limb (b) worker⁷⁵ recognition for Deliveroo riders,⁷⁶ similar to other platform-workers and bogus “self-employed”,⁷⁷ the IWGB stated that they will appeal the case. In the meantime, the IWGB supported Deliveroo couriers in Brighton, in their spontaneous protests over lack of work and low wages.⁷⁸

The IWW Campaigns

Recently, Deliveroo workers have been on strike over poor pay and worsening conditions, in numerous locations around the UK,⁷⁹ and the IWGB are not alone in their efforts to fight for platform workers' rights. The IWW has been organizing couriers all over the UK and Ireland since January 2018, and it has established a presence in almost every major city. In its efforts to organise couriers from multiple companies, including, inter alia, UberEats and Deliveroo, it opted to do so in an unconventional way, and created the IWW Couriers Network; a network branch completely free to join for any courier, providing collective, instead of individual, representation. The network branches are affiliated with the local IWW branches, which provide advice, support and

logistical organizing aid.⁸⁰ The IWW Couriers Network has already launched its first national campaign, to force gig economy food companies to significantly improve their methods when it comes to transparency within the corporation – including the amount of information they share with their couriers. Despite adhering to a different organizational model than the IWGB, and pursuing different goals, since the couriers organised in the IWW have decided not to pursue legal recognition as workers,⁸¹ the two unions often work together to support the struggles of platform-workers; the most recent example being the national Deliveroo strike in February, 2019, followed by a second strike in Manchester in the same month.⁸²

The IWW have been involved with struggles in numerous other sectors in the UK, in addition to the gig economy. In 2018 alone, the union supported the members of University and College Union in their four-week strike;⁸³ picketed outside the Admiral's head offices in Cardiff, in solidarity with the Spanish workers who are treated unfairly by the international insurance corporation; defended MPH England/Amazon workers in London and whistle blowers in Bristol; secured proper breaks for hotel workers in Warrington and holiday pay for bar workers in Manchester; and expanded with a new branch in Northampton, and another one in Nottingham in early 2019.⁸⁴

The Limits of Mainstream Unionism

A key factor behind the success of solidarity minority unions in the UK is their tactics. Relying on grassroots organizing in both the workplace and the communities, as well as rank-and-file democracy and mostly horizontal structures, these unions are able to implement direct action quite efficiently. Occupations,

blockades and vibrant marches and demonstrations are important components of the solidarity unions' arsenal, but the centrepiece has always been strikes, as Cant describes in a number of articles.⁸⁵ These strikes are called to inflict economic damage to the employers, and are organised in such a way as to maximize that result; they are followed by negotiations in the open, with the active participation of all workers in the final decision.⁸⁶ This is a far cry from striking as a mere protest, as mainstream unions are known to do, and from negotiations behind closed doors.⁸⁷ For bureaucratic hierarchical organizations, known to purge their own members for taking any sort of initiative or for having unpalatable politics,⁸⁸ solidarity unionism's ways must seem extremely outlandish.

Nevertheless, the fact is that the future of British trade unionism appears to be very bleak, with less than 10% of the Trade Union Congress (TUC)⁸⁹ membership being under the age of 30 in the private sector.⁹⁰ Although the major trade unions seem set in their ways, some smaller TUC members are altering and adjusting their tactics, according to the new conditions, to combat the issue. Two notable examples are the University and College Union (UCU), the largest further and higher education union in the world with 120,000 members,⁹¹ and the Bakers, Food and Allied Workers' Union (BFAWU), one of the oldest still active trade unions in the country, established in 1847.

The UCU is representing a sector with high levels of precarious work, with over half of all academic workers in the UK employed on precarious contracts.⁹² Beginning in early 2018, the union organised a number of strikes; the initial strike wave was against more than 60 universities, represented by

Universities UK (UUK), over the proposed changes to the Universities Superannuation Scheme (USS), and it had the support of many students.⁹³ At some point, news of a deal between union leaders and university bosses broke out, much to the striking academic workers' discontent, since the whole ordeal felt like one more lost battle to protect their pensions. However, coordinated efforts on Twitter and Facebook,⁹⁴ under the hashtag #NoCapitulation, resulted in hundreds of strikers protesting against the deal, with the support of other unions, like the IWW;⁹⁵ their efforts of prioritizing rank-and-file opinion over union leaders' conciliation were successful, and the UCU dropped the deal.⁹⁶ Since then, strikes of academic workers are quite a frequent phenomenon in the UK.⁹⁷

The Bakers, Food and Allied Workers' Union (BFAWU) has been called a honourable exception to mainstream unions.⁹⁸ Fighting for a £10-an-hour living wage as well as union recognition and the end of zero-hour contracts and unequal pay for young workers, the BFAUW members organised a number of successful strikes in McDonald's establishments, popularly known as "McStrikes", around the UK, in 2017 and 2018.⁹⁹ In September 2017, workers at McDonalds went on strike for the first time in the UK; a year later, the union organised the first ever Wetherspoons' workers strike, over similar demands.¹⁰⁰ In October of the same year, the largest McStrike to date took place, joined by BFAUW members striking in Wetherspoons, as well as members of Unite striking in TGI Fridays.

However, there seems to be some inherent problematic issues with mainstream unions' attempts to implement these tactics. The model of these campaigns, similarly to the Justice For Cleaners campaign in earlier years, borrows greatly from the

experience of the SEIU in the US, as mentioned supra. In this latter case, as with the famous Fight for \$15 campaign in the US, unions focused on the fast food industry and set up well-resourced, highly centralised teams of full-time professional organisers. Cant describes how, by prioritizing quantity over quality, these teams organised employees for strikes in as many companies or as many sites as possible, centrally coordinating these efforts, and bolstering them with a massive media offensive.¹⁰¹ Often striking without workplace majority, they rely on social movement tactics and strong press campaigns to cause reputational damage and win gains.¹⁰² This is what Jane McAlevey called mobilizing,¹⁰³ and Beverly Silver “associational leverage”; contrary to “workplace leverage”, which is founded in the labour process, “associational leverage” draws its power from beyond the labour process.¹⁰⁴ To the detriment of workplace leverage's development, these campaigns are overly focused on the maximization of associational leverage, which “is then directed towards a specific, all-consuming campaign goal (£10/\$15 an hour and union recognition) which is often achieved [sic] by legislative means.”¹⁰⁵

In Cant's opinion, these methods are applied mostly due to the heavy centralized structure of mainstream unions; total control is a salient requirement for securing political alliances and maximizing positive media coverage.¹⁰⁶ However, mobilizing and associational leverage can not be a replacement of organizing and workplace leverage; case in point, the BFAWU and Unite's efforts compared with the IWW Courier Network organizing model, presented supra. On October 4th, the designated strike day, a few hundred supporters rallied in London's Leicester square, but did not picket the

Wetherspoons, TGIs or McDonalds located there;¹⁰⁷ since no strike vote took place in either of them, those establishments continued to operate normally. In contrast, the IWW Courier Network, established only a few short months earlier, managed to stir up over a thousand workers to take collective action during the strike, with only two weeks of preparation.¹⁰⁸ In a recent working paper of the European Trade Union Institute (ETUI), Kurt Vandaele stated that “(w)hile demarcation between forms of collective representation on the basis of the two above-discussed logics is not original, it has become more exposed, prevalent and salient since the platform economy, also in highly institutionalised labour markets. Thus, whereas trade union density continues to decline across Europe, albeit with persistent country differences, the future looks slightly less bleak for the labour movement.”¹⁰⁹

5.2 Limiting the Right-to-Strike

The future of the labour movement in general might be less bleak, but the same can not be said for traditional unionism. As it was argued in previous chapters, its last stronghold in post-industrialized societies is the public sector, a sector that is under tremendous pressure, especially since the beginning of the financial crisis in 2009. As it was presented in Chapter 4, the goal of both the EU institutions and the national elites is extensive privatization; unions, even complacent ones, are seen as more of an obstacle for these neoliberal politics. Neoliberalism is, of course, nothing new in the UK, and it was not introduced in the country with the recent crisis. It is not surprising that the further decline of union density in the 2010s was not as severe in the UK, compared to other countries,¹¹⁰ since both the public sector and trade unions faced an

unprecedented attack during the Thatcher administration, from which they have never recovered.¹¹¹

Specifically to the right of strike, a series of restrictions were imposed from 1979 to 1997, partially codified in law with the Trade Union and Labour Relations (Consolidation) Act (TULRCA) 1992.¹¹² According to Part V, sections 219 to 246 of the Act, employees have the right not to be dismissed or victimized for going on strike, providing some pretty strict conditions are met. For the workers to go on strike, they must hold a ballot of the workforce who will go on strike, inform the employer of the timing and duration of the strike, not conduct the industrial action for a purpose unrelated to terms and conditions of the workers' employment contract, not take industrial action against anyone but the employer of the affected workers and remain peaceful when conducting picket lines; first and foremost, however, the strike must be official, i.e. one called or endorsed by their union.

Furthermore, it seems that there is no consensus about the status of the right to strike at common law. Throughout the 20th century, courts in the UK have either recognized striking as a right,¹¹³ in accord with international law, or considered it a breach of contract,¹¹⁴ maintaining that a union could be held liable to the employer due to industrial action. According to TULRCA 1992, section 219, collective action becomes immune from any liability in tort, only if organised "in contemplation or furtherance of a trade dispute". Moreover, section 224 prohibited secondary strike action.

Tony Blair's "New Labour" administration did little to remove the aforementioned right-to-strike limitations; the Employment

Relations Act of 1999 made significant changes to TULRCA 1992, even vis a vis the freedom of association, but none towards the right to strike.¹¹⁵ The UK's restrictions on the right to strike are considered to be among the toughest in Europe;¹¹⁶ the European Committee of Social Rights' concluded in 2014 that the country's laws on collective action violate the European Social Charter,¹¹⁷ and the ILO has criticized the UK for setting up obstacles to workers' right to return to work after the strike had ended.¹¹⁸

Despite UK's right to strike legislation being below international standards, the situation took an even worse turn in 2016. The Trade Union Act (TUA) of 2016,¹¹⁹ in force since March 2017, further restricted the right to strike, in a multitude of ways, including doubling the period of notification for industrial action from 7 to 14 days. Most importantly, it ensured that calling a strike is almost impossible for UK's traditional unions, especially in the public sector. Section 2 of the Act requires a 50% turnout of union members in a strike action ballot, and section 3 requires that, for a strike to be legal in health, school education, fire, transport, nuclear decommissioning and border security, there must be at least 40% support. Indicative to the magnitude of this change, the Public and Commercial Services Union (PCS), known for calling strikes amongst its members in the civil service quite often, has never achieved a 50% turnout on a national ballot before 2016.¹²⁰ A strike ballot held by the union in 2018 had a turnout of 41.6%, and the results were 85.6% (50,726 votes) in favour of striking. Under the previous law, this would have been more than enough to call a strike, however, under the Act of 2016, the strike vote needed approximately 12,000 additional turnout for the strike to be legal; even if every single

one of those additional 12,000 votes had been against striking, the pro-strike strike vote would have been a significant majority.¹²¹ Not participating in strike ballots has become a more successful way for preventing a strike, than voting against it; something that is clearly undermining the democratic procedures within unions. This seems to contradict the arguments of the government, that this law was passed to enforce a democratization of the unions' decision-making process, vis a vis strikes.¹²² It is clear that the TUA's primary target is unions in the public sector, in accordance to the trends examined in Chapter 4 and mentioned supra. The ever-increasing striking activity of UK's minority unions in recent years, even after the new legislation came to force, could be partially attributed to the fact that those unions, confined as they are to the private sector, lay outside the scope of the government's assault on the right to strike, at least for now.

1 “The immediate producer, the labourer, could only dispose of his own person after he had ceased to be attached to the soil and ceased to be the slave, serf, or bondsman of another. To become a free seller of labour power, who carries his commodity wherever he finds a market, he must further have escaped from the regime of the guilds, their rules for apprentices and journeymen, and the impediments of their labour regulations. Hence, the historical movement which changes the producers into wage-workers, appears, on the one hand, as their emancipation from serfdom and from the fetters of the guilds, and this side alone exists for our bourgeois historians. But, on the other hand, these new freedmen became sellers of themselves only after they had been robbed of all their own means of production, and of all the guarantees of existence afforded by the old feudal arrangements. And the history of this, their expropriation, is written in the annals of mankind in letters of blood and fire.” Karl Marx, 'Capital A Critique of Political Economy Volume I' (*Marxists.org*, 14 December 2010)

<www.marxists.org/archive/marx/works/download/pdf/Capital-Volume-I.pdf> accessed 9 May 2019.

Marx's *Capital*, complemented with Silvia Federici, *Caliban and the Witch: Women, the Body and Primitive Accumulation* (Autonomedia 2004), provides an unrivaled account of how capitalism became the dominant social system. For how this process is still developing today, see David Harvey, 'The "New" Imperialism: Accumulation by Dispossession' [2004] 40(40) *Socialist Register* 63-87.

2 Fordham.edu, 'Ordinance of Laborers, 1349' (*Fordham.edu*, 26 January 1996) <<https://sourcebooks.fordham.edu/seth/ordinance-laborers.asp>> accessed 11 May 2019

3 For more on Luddism, see Richard Conniff, 'What the Luddites Really Fought Against' (*Smithsonian*, 15 March 2011) <<https://www.smithsonianmag.com/history/what-the-luddites-really-fought-against-264412/?no-ist=&page=2>> accessed 11 May 2019. For more on Chartism, see Malcolm Chase, *Chartism: A New History* (Manchester University Press 2007).

4 G D H Cole, *Attempts at General Union* (Taylor & Francis 2010) 3.

5 Sidney Webb and Beatrice Webb, *History of Trade Unionism* (Longmans, Green & Co 1894).

6 Gareth Stedman Jones, 'Some Notes on Karl Marx and the English Labour Movement' [1984] (18) *History Workshop*

<<https://www.jstor.org/stable/4288592>> accessed 11 May 2019.

7 For the First International and its consequential 1872 Congress, see

Chapter 2, footnote #1.

8 “At the 1872 Hague Congress of the International, the delegate's credentials of Maltman Barry, a member of the General Council, were questioned by another council member, Thomas Mottershead, on the grounds that Barry 'was not a recognised leader of English working men.' Marx rose to defend Barry's mandate, and took the occasion to say: 'As to the accusation that Barry was not a recognised leader of English working men, that was an honour, for almost every leader of English working men was sold to Gladstone, Morley, Dilke, and others.' *Hague Congress: Reports and Letters* (Moscow: Progress, 1978) p.41 (Recent scholarship has borne out Marx's charge that the leading English trade unionists were on the Liberal Party payroll. See Royden Harrison, 'The British Working Class and the General Election of 1868', *International Review of Social History*, Part 3, 1960, Part 1, 1961.)” (as cited in Kenneth Lapides (ed), *Marx and Engels on the Trade Unions* (International Publishers 1990) 208-209).

9 Jack Kirkpatrick, *The IWW Cleaners Branch Union in the United Kingdom*. in Immanuel Ness (ed), *New Forms of Worker Organization* (PM Press c2014) 237-238.

10 Green Clean, 'Justice for Janitors, Defining Moments Revisited 24 Years Later' (*greencleancs.com*, 3 April 2014) <<http://greencleancs.com/justice-janitors-defining-moments-revisited-24-years-later/>> accessed 14 May 2019.

11 Jack Kirkpatrick, *The IWW Cleaners Branch Union in the United Kingdom*. in Immanuel Ness (ed), (ibid) 237-238.

12 Unite was formed in 2007, after the merge of the largest private sector union, Amicus, with the Transport and General Workers' Union.

13 Ibid.

14 The Living Wage Campaign was launched in 2001 in London, by members of the community organization London Citizens, now Citizens UK. The campaign called for all workers in the UK to earn enough to provide their family with the essentials of life (see David Sheerin and others, *Higher Modern Studies: Social Issues in the UK* (Hachette 2015)).

15 London.gov.uk, 'Success of the London Living Wage' (*London.gov.uk*, 18 November 2015) <<https://www.london.gov.uk/questions/2015/3655>> accessed 26 May 2019; UNISON, University of Birmingham Branch, 'Justice for Cleaners – successes in London against outsourcing!' (*Uobunisonorguk*, 21 September 2018) <<http://uobunison.org.uk/justice-for-cleaners-in-london>> accessed 26 May 2019.

16 Jack Kirkpatrick, *The IWW Cleaners Branch Union in the United*

Kingdom. in Immanuel Ness (ed), (ibid) 241-243.

17 Ibid.

18 Ibid.

19 Ibid 241.

20 Ibid 242.

21 Ibid.

22 Ibid 243.

23 Ibid 242.

24 The IWW has been around in Britain, in one form or another, since 1906. It started with seafarers bringing the message of industrial unionism from the USA. In 1906, the British Socialist Labour Party, formed in 1903 by Scottish supporters of Daniel de Leon – a leading figure in the US's Socialist Labor Party and the IWW – founded the British Advocates of Industrial Unionism (BAIU), a propaganda organization advocating for the formation of revolutionary unions in the pattern of the IWW. In 1908, de Leon left the IWW, due to the latter's unwillingness to support political action via the SLP, and his followers formed a rival IWW in Detroit, later renamed the Workers' International Industrial Union. The split was mirrored in the UK, with the syndicalists forming the Industrialist League and the De Leonists reorganizing the BAIU as the Industrial Workers of Great Britain in 1909. (see ibid 252, and Ralph Darlington, *Syndicalism and the Transition to Communism: An International Comparative Analysis* (Ashgate c2008) 133).

25 Jack Kirkpatrick, *The IWW Cleaners Branch Union in the United Kingdom*. in Immanuel Ness (ed), (ibid) 245.

26 Andy Beckett, 'Vuvuzelas Unite' [2015] 37(20) *London Review of Books* 25-28.

27 Nick Dager, 'Megaphone Films Completes Waging a Living in London' (*Digital Cinema Report*, 14 October 2014)

<<http://www.digitalcinemareport.com/article/megaphone-films-completes-waging-living-london>> accessed 13 May 2019.

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<<https://theconversation.com/two-tiny-but-mighty-new-trade-unions-offer-uk-a-better-way-to-take-back-control-99617>> accessed 12 May 2019.

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<<https://www.independent.co.uk/news/uk/politics/sothebys-cleaners-banned-from-work-after-protest-asking-for-better-sick-pay-10361235.html>> accessed 13 May 2019.

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<<https://morningstaronline.co.uk/article/uvw-claim-victory-after-rbkc-commits-to-london-living-wage-for-cleaners>> accessed 13 May 2019.

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contract with Noonan in order to bring nearly 300 cleaners in-house, and give them the same contractual terms as the professors. Since then, other universities such as SOAS, King's and Goldsmiths have followed suit.” (United Voices of the World, 'We are United Voices of the World' (*Uvwunion.org.uk*, 19 April 2019) <<https://www.uvwunion.org.uk/about>> accessed 13 May 2019).

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Chapter 6 – Greece

6.1 Greece in Crisis

No study related to contemporary industrial relations in Greece, can escape dealing, at least briefly, with the tremendous impact the recent financial crisis had on the country and on every aspect of the life of its working population.¹ The Troika – the European Central Bank, the European Commission and the International Monetary Fund – in perfect cooperation with the national elites and the state, enforced measures to shrink the public sector and completely reorganise the labour process, in order to pass on the cost of the crisis to the workers.² The public sector, as per the trends examined in Chapter 4, was the primary target of these policies. However, Greece's private sector was also targeted; it was turned into the experimental grounds for introducing extreme flexibility of working conditions, in an accelerated and intensified rate. This was achieved by introducing a variety of “new” flexible forms of employment, while at the same time greatly reducing the regulation of dismissals, as Stefan Clauwaert and Isabelle Schömann have well documented.³

In order to achieve their objectives in both fronts, i.e. the public and private sector, the policy-makers were quick to demolish the central forms of collective bargaining; a necessary step according to Tonia Novitz's analysis.⁴ The applicability of the national collective agreements was greatly reduced and their post-termination effects were abolished; in addition, a vast number of possibilities for deviations was introduced.⁵ Perhaps more important, however, was the reversal of the favourability

principle, i.e. company-level collective agreements were legally prioritized over sectoral and national collective agreements.⁶ This was further amplified by giving employers the capability of signing company-level agreements with institutions that are not unions.⁷ According to the reports of the Ministry of Labour, even after the end of the memoranda, in August 2018, the dominating majority of agreements in the private sector are individual employment contracts.⁸ To make matters worse, most of the governments opted to decide on a number of these measures unilaterally, completely disregarding all processes of Social Dialogue.⁹

As it is to be expected, the workers in Greece did not take their rapid and sudden immiseration lying down.¹⁰ A colossal torrent of strikes, factory occupations and massive demonstrations took place in the first years of the crisis, with an increasing radicalization of workers' militancy.¹¹ Strikes as a form of struggle reached their highest number in the period between 2009 and 2012; in the years that followed, striking was steadily replaced by simple protests and marches.¹² The reasons behind the abandonment of strikes are numerous and complicated; in short, when faced with the realities of the period, the traditional forms of symbolic strikes and sit-ins, lasting a few days at most, failed to produce any real results.¹³ Unions realized that, in order for strikes to be successful, they needed to be the long, laborious and high-cost processes of old. Although such strikes did take place, both in the public sector and, more surprisingly, in the private sector, most mainstream unions opted to change tactics.¹⁴

The cost and duration of strikes were amplified by the fact that the struggling working class had to face a united, determined

bourgeoisie front. Backed by the European institutions, the national employing class and the rhetoric of the media corporations and despite hundreds of thousands of protesters taking part in general strikes and enormous demonstrations, the parliament was voting one anti-labour law after the other.¹⁵ The governments were making sure those laws were enforced by any means necessary. Using riot police to break-up protests and picket lines became the norm, and the military conscription of striking workers, a practice that had been used since the early 90s albeit repeatedly only against striking dockworkers and seafarers, was expanded to other sectors; in 2013 alone,¹⁶ the government conscripted the rapid transit workers, the secondary education teachers, the workers of the Public Power Corporation (ΔΕΗ), and, of course, the striking members of the seamen's union (ΠΙΝΟ).¹⁷ Last, but definitely not least, the Greek courts did their part by declaring 249 strikes, between the years 2009 and 2014, as illegal and abusive.¹⁸

6.2 The Right to Strike

Striking is, at least in theory, very highly protected in Greek law. Special attention is given to striking as a means of promoting the rights of working people; Article 23 of the Constitution states “(t)he State shall adopt due measures safeguarding the freedom to unionise and the unhindered exercise of related rights against any infringement thereon within the limits of the law” and “(s)trike constitutes a right to be exercised by lawfully established trade unions in order to protect the financial and general labour interests of working people.”; Article 20 of the relevant law, 1264/1982, states “striking is a workers’ right for the protection and advancement of their financial, labour, trade union and insurance interests

and as an expression of solidarity for these purposes.”¹⁹ Given the broad wording of the law, a wide array of strikes are considered legal; even unlawful strikes, e.g. political strikes, can be legitimized by including at least one lawful demand.²⁰ The Greek law provides for more favourable conditions for striking; company lock-outs and hiring strikebreakers is prohibited and the strike's notice period is very short – 24 hours for most industries, four days for essential public service and utility enterprises. In addition, strikes can be called in non-unionized sectors by regional labour centres.²¹ Although for a strike to be organised in an unionised workplace, a general assembly of the union's members must decide in favour of it, brief work-stoppages can be called by the union's officials.²² Sympathy strikes are also allowed, but only vis a vis enterprises in the same multinational corporation, and only when organised by a third-level union, i.e. a confederation.²³

It might come as a surprise that those favourable provisions were not reformed during the era of austerity in the country, despite the working class repeatedly utilizing strikes to fight against its immiseration. The right-to-strike limitations came in effect in early 2018, just a few months before Greece exited the bailout programmes and after a period of relative labour peace. Moreover, the reform was, seemingly, extremely small. The only amendment of law 1264/1982 was that, in order for a primary, i.e. company-level, union to call a strike, its general assembly's turnout was raised from 33% to 50%. No further restrictions were imposed, neither vis a vis the votes needed for a strike, 50% plus one, nor vis a vis sector-level unions and confederations.²⁴ Consequently, the primary reactions to the reform were entered around the symbolic gravity of a Left-wing party government limiting the right to strike, something

that previous centre and right-wing governments failed to do.²⁵

6.3 Unionism in Greece

6.3.1 Traditional Unionism

The apparent leniency of the right-to-strike reform is not without explanation. The peculiarities of the Greek industrial relations, and the paternalistic, according to Theodoros Katsanevas,²⁶ approach of the state, make curtailing the right to strike an exceptionally controversial and unpopular move for governments; especially since they can rely on the alternative of having courts determine strikes as abusive. Unions in Greece had always adhered to the Bolshevik principles of unionism, by establishing strong ties with political parties.²⁷ This is as true about Left-wing parties and unions, as, perhaps more surprisingly, about Right-wing parties and unions.²⁸ Consequently, the primary trend is for employees to join unions, or political functions within unions, affiliated with the parties that find themselves often in power, since those ties with the government could be utilized to secure gains for their members; on the other hand, union memberships could be utilized to secure votes for their affiliated parties.²⁹ This trend dominates the largest trade union confederation in Greece, the General Confederation of Greek Workers (ΓΣΕΕ), and the Civil Servants' Confederation (ΑΔΕΔΥ), its public sector equivalent.³⁰ Those ties are a salient factor behind these unions' failure, in the eyes of most workers, to fight for working class interests during the difficult years of the crisis, since the strongest political fractions within unions were affiliated with the parties enforcing the anti-labour reforms;³¹ as a consequence, the membership numbers of ΓΣΕΕ have fallen to

an all-time-low, 15% of the total active workforce.³²

An additional salient issue plaguing mainstream unions is, according to Apostolos Kapsalis, the corruption of their traditional confrontational character by conciliatory elements, leading to an extreme debilitation of both their class-struggle aspects as well as their ideological and political profiles.³³ This highly affects the approach of the Greek working class towards industrial relations. In a survey conducted in 2008, 63% of employed and unemployed workers expressed that they consider dialogue and negotiation as the best way to settle industrial disputes, over 24% who chose demonstrations and strikes; during the first years of the crisis the legitimacy of the confrontational approach apparently dropped even more, with the corresponding results of a similar survey in 2010 being 72% and 18%.³⁴ However, when the state completely abandoned all processes of Social Dialogue while implementing the memoranda, as mentioned supra, the mainstream unions found themselves at an impasse; the customary means of accomplishing their goals were no longer effective, and their traditional roles were challenged.³⁵

Unable to overcome its inherent contradictions and turn itself into a true vehicle of working class interests, as the mainstream unions in the UK at least attempted to do, bureaucratic unionism in crisis-ridden Greece opted for the conciliatory service-provider model, i.e. retaining peaceful relations with employers and leading parties, proving itself useful to the bourgeoisie by turning itself into the main mechanism of establishing some of the new flexible working conditions;³⁶ through its own programmes of consultation, training and apprenticeship services ΓΣΕΕ offered to unemployed workers,

the confederation offered employers a far greater service, free labour. ΓΣΕΕ even supported the “voucher programmes”, which provided companies, both private and public, with workers paid by the Hellenic Manpower Employment Organization (OAEΔ) and the EU for the first months of their employment, after which the employer was free to choose whether to keep them or start the program all over again.³⁷ These employees were not even recognized as workers; they were called “benefiters”, and were denied even those few rights normal workers still retained.

More recently, ΓΣΕΕ has come under heavy criticism for trying to legitimize yellow unions, i.e. unions who are actively controlled by management, and has already been accepting unions which allow employers as members.³⁸ This resulted in an open, violent confrontation with the second trend vis a vis mainstream unionism in the country, the unions affiliated with the Communist Party of Greece (ΚΚΕ).³⁹ The contemporary manifestation of this trend is the All-Workers Militant Front (ΠΑΜΕ), which was founded in 1999 by an initiative of the Communist Party trade unionists, and is a leading member of the World Federation of Trade Unions.⁴⁰ Although considerably more militant in its methods, ΠΑΜΕ has been criticized for being the unionist arm of the Communist Party.⁴¹

6.3.2 Base Unionism

Workers in search for a more independent militant unionism, found it in the form of minority unions, or, as they are better known in Greece, base or primary unions. According to Lefteris Kretsos, those unions rely on the actions of intensely politicized networks of workers, both trade unionists and

activists, which seek to create direct relations with the non-unionized workforce.⁴² This immediacy, most often manifested by them providing all forms of support in times of need, is one of their main differences with their bureaucratic counterparts, and works miracles in reclaiming the lost trust between workers and unions.⁴³ Similar to the examples already studied in this essay, base unions' management is organised bottom-up, facilitated by frequent elections for officials and by regular meetings to collectively decide on every important issue; thus, in addition to militancy in actions and support in need, base unions offer a much more democratic model of unionism, than the workers in Greece are used to, based on their experience with mainstream unions.⁴⁴

Minority unions in Greece take a number of forms, and, as it is often an issue with theorization, not all of them are completely compatible with the definition of “solidarity unionism”. According to Markos Vogiatzoglou 2015 work *Precarious Workers' Unions in Greece and Italy*, most base unions are either affiliated with parliamentary and extra-parliamentary parties – until recently, members of the party which, at the time of writing (June 2019), is still governing Greece, were very active within those unions – or have competing political fractions within them, similar to mainstream unions, although in most base unions all fractions are leftist.⁴⁵ As Vogiatzoglou notes however, despite their differences base unions have established networks of cooperation with each other.⁴⁶ The most notable example would be the establishment of the Primary Unions' Co-ordination (Syntonismos Protovathmion Somation, PUC) after the assault on the migrant trade unionist in the cleaning sector Konstantina Kouneva in 2008. According to Vogiatzoglou, “(t)he grassroots unions' rationale was, on the

one hand, that this way they might avoid being obliged to conform with the more conservative elements of the Federations, Labor Centers and the General Confederation (GSEE), and on the other hand that it would be easier for them to form horizontal networks of collaboration and joint action, avoiding the time-consuming, bureaucratic structures of the typical, institutionalized labor movement.”⁴⁷ During the major anti-austerity demonstrations between 2010 and 2012, facilitated by the ΓΣΕΕ general strikes, the PUC and other independent unions and worker organizations chose to assemble at a different location from the mainstream unions, to allow potential protesters to participate in the protests without identifying with the government-friendly and ineffective Confederation,⁴⁸ as Vogiatzoglou reports, “whilst the PWUs gathered tens, occasionally hundreds of thousands of protesters at their meeting point – spearheading, thus, all the anti-austerity marches, the GSEE never managed to assemble more than ten thousand participants in the square they had designated as their starting point.”⁴⁹ Another notable example of base unions cooperation, is the Coordination of Workers and Unions in Telecommunication and Technology,⁵⁰ formed by workers in nationwide companies like Plaisio Computers,⁵¹ as well as in the Greek departments of multinational telecommunication corporations like Vodafone,⁵² Nokia⁵³ and Wind Telecom.⁵⁴ Some of those unions have been known to organise work stoppages and strikes, quite often;⁵⁵ this militancy and hyper-activity of primary unions is a possible reason behind the specific targeting of company-level unions by the recent right-to-strike limitations.

6.3.3 Solidarity Unionism

Another category are unions which are influenced by the anti-authoritarian principles of anarchism, anarcho-syndicalism and Italian autonomous workerism; despite the fact that some of the more active base unions in this category do affiliate themselves with mainstream union federations, this latter category is closer to solidarity unionism, since it disregards collective bargaining and relies heavily on direct action. Those base unions are operating in most major population centres in Greece, especially in the capital, Athens, and in the country's second largest city, Thessaloniki. Most are industry-specific, inter alia restaurant workers,⁵⁶ couriers,⁵⁷ workers in the book, paper and digital media industry,⁵⁸ translators, editors and proofreaders,⁵⁹ workers in mental health and social welfare,⁶⁰ NGOs' employees,⁶¹ unemployed and precarious workers,⁶² musicians and stage assistants⁶³ and television and cinema technicians,⁶⁴ while some are company based, for example the union recently established in the nationwide corporation Public.⁶⁵

Although primarily engaging in mobilizing-type activities, mainly demonstrations and boycott campaigns against arbitrating employers, i.e. those employers who, inter alia, unlawfully fire workers, refuse to pay them on time – or at all – and go as far as to beat them up if they demand their rights or protest individually,⁶⁶ those unions do occasionally organise strikes. The most notable example would be the strikes of couriers' base union ΣΒΕΟΔ. In 2017, hundreds of couriers around the country went on strike, demanding that motorcycles and personal protective equipment be provided by the companies, and that the state recognizes them as a heavy and health hazardous occupation;⁶⁷ despite the passing of a Circular

that obliges companies to provide couriers with motorcycles and personal protective equipment, most employers refuse to do so, so the couriers in Athens and Ioannina⁶⁸ went on strike again in 2019, with similar demands and greater numbers.⁶⁹ *Nota bene*, between the two strikes 16 couriers, a record-breaking number, lost their lives while working; only in a few cases were those fatalities recognized as work-related deaths;⁷⁰ in a tragically ironic coincidence, a courier compelled to work despite the strike lost his life while his co-workers were striking.⁷¹

Nota bene, minority unions are not the only form of solidarity unionism in Greece. Both the autonomous Marxist and the anarchist movements in Greece are quite active, militant and vocal, and it is to be expected that a great number of the organizations populating the Greek anti-authoritarian milieu are created by workers, sharing a radical class struggle agenda. In the years of the crisis, and especially during the rise of the Occupy movement⁷² and the Greek version of Spain's *Indignados*,⁷³ the number of worker-specific organizations was bolstered, and their activities multiplied.⁷⁴

The most salient variant of these organizations during that period, was neighbourhood assemblies. Initially comprised of a combination of both worker and petite-bourgeois elements,⁷⁵ many of these assemblies soon prioritized their working class aspects, and became a solid form of organizing in the era of precariousness;⁷⁶ with unemployment soaring and workers finding themselves alternating between a various assortment of jobs, some of them not even recognized as proper work, community-based organizations gain a great advantage over workplace-based organizations, simply because workers

change jobs more often than they change residences.

In addition to neighbourhood assemblies, other forms of worker organizations include workers' collectives, either with a general, all-inclusive character, or created in certain industries when formal unionisation was not the preferable option. The former includes, inter alia, the two anarcho-syndicalist organizations of Greece, the Libertarian Syndicalist Union (ΕΣΕ)⁷⁷ and the Anarcho-syndicalist Initiative “Rocinante”,⁷⁸ both with nationwide presence, as well as the IWW Greece Regional Organising Committee⁷⁹ and other smaller groups created on the basis of worker solidarity and mutual aid.⁸⁰ The latter includes workers in call centres,⁸¹ employees in the health industry,⁸² social workers⁸³ and workers in the media.⁸⁴

These informal organizations are directly supporting and cooperating with the more militant base unions. One example of such cooperation is the establishment of the Base Federation of Workers (ΕΠΓΟΒΑ) in 2015, by the aforementioned ΣΒΕΟΔ, the restaurant workers' base union (ΣΣΜ) and the Assembly of employees, unemployed and students in the Media industry.⁸⁵ The most notable example, however, was born in the struggle for the defence of Sunday as a holiday in the retail industry, against a law passed in 2013 allowing retail stores to open on specific Sundays – initially seven and later eight per year.⁸⁶ The government’s plan was to completely abolish the Sunday holiday in the near future.⁸⁷ In January 2014, the Workers Union in Publications, Bookstores, Photo Copy Centers, Stationery of Attica (now Workers Union in Publications, Bookstores, Photo Copy Centers, Stationery and Digital Media of Attica - ΣΥΒΧΨΑ), a base union, publicly summoned every group and collective interested in the matter,

to assemble at their offices in Athens and organise the struggle against that law.⁸⁸ Many different kind of organizations answered that call or the ones that followed, including other base unions, worker collectives, university student associations, neighbourhood assemblies and anarchist and communist groups;⁸⁹ they formed the Coordination of Action Against the Abolition of the Sunday Holiday and Liberated Working Hours.⁹⁰ The goal of the Coordination was to fight against working Sundays, as well as against flexible working hours and, more specifically, “white nights” – the right of retail store owners to extend opening hours until midnight on specific dates.⁹¹ This cooperation between formal unions and solidarity organizations was quite effective; ΣΥΒΧΨΑ and other unions repeatedly pressured the Greek Federation of Private Employees to declare strikes on the working Sundays, or even called for strikes themselves.⁹² During those strikes, the solidarity organizations would mobilize either by acting locally, i.e. blockading major retail stores and supermarkets in their neighbourhoods,⁹³ or by joining the Coordination pickets in the commercial centre of Athens, where major retail stores would be blockaded by picketing, forbidding strikebreakers and customers from entering. Many times the entire main commercial street of Athens was blockaded and consumers were not allowed to shop.⁹⁴ The struggle soon became nationwide, with the formation of a similar Coordination in Thessaloniki,⁹⁵ and with strike actions taking place in many cities in the country.⁹⁶

Nota bene the unfortunate by-product of having a large number of activist organizations supporting a union; more often than not, base unions in Greece rely as much on protesting with the aid of like-minded activists, as organizing a workplace and

properly striking. However, the limitations of relying primarily on mobilizing, presented in earlier chapters, were well-understood by the Coordination. It organised a series of meetings targeted towards retail workers, which resulted in the forming of Orthostasia, a collective of workers in retail.⁹⁷ From as early as March 2014, protests were organised in between the strike dates, to inform the public about the issue and call the workers to join the fight.⁹⁸ This combination of mobilizing and organizing proved quite the success; as time went by, more groups were joining the Coordination and more workers were choosing to strike on Sundays and join Orthostasia.⁹⁹ Having managed to secure that the plan to completely abolish the Sunday holiday was dropped, and a more moderate alternative was installed,¹⁰⁰ the Coordination is still operating today;¹⁰¹ struggling to establish Sunday back to its original status as a holiday, in spite of the governments' best efforts to destroy the movement from early on.¹⁰²

6.3.4 Repressing Solidarity Unionism

The state's assault on solidarity unionism, similar to solidarity unionism itself, takes a number of forms and it is not exhausted in attacks by riot-police. The successful collaborations between base unions and informal workers' organizations, are often in the crosshairs of the government. Notable examples of state repression would be the violent arrest of trade unionists, members of the "Coordination", for picketing outside a book store in 2014;¹⁰³ just a few months before, the restaurant workers' base union ($\Sigma\Sigma M$) was targeted by the State Security Service.¹⁰⁴ More recently, in 2017, trade unionists and members of neighbourhood assemblies were attacked by police while passing leaflets outside a bus depot, followed by an admittance

by the authorities that their emails are monitored.¹⁰⁵

Unlike the case of the UK, it can be argued that the recent right-to-strike limitations are, at least in part, aimed at curtailing the activities of these unions. As presented supra, the right-to-strike reform refers to, explicitly, company-based unions, and it is unclear, arguably intentionally, about how it relates to those unions' nationwide variants.¹⁰⁶ It is also a fact that some of the most militant company-based unions in the country, which, as it was also mentioned supra, do organise work-stoppages and strikes frequently, are nationwide organizations, i.e. are established in companies with nationwide operations. Limiting the possibilities of legally striking, primarily in the private sector, fits the agenda of the EU and of the national elites, since the private sector of the countries submitted to bailout programmes is being used to experiment on extreme flexibility measures.¹⁰⁷ It is important to add that the primary Right wing party in the country plans to change the law even further when they return to power; strikes will be legal only if they are decided by the majority of employees in a company.¹⁰⁸ This focus on the private sector could also explain why, despite the active government's promises and declarations, the principle of favourability is still de facto reversed.¹⁰⁹

Although it can be convincingly argued that the right-to-strike reforms were aimed at base unions, there is not enough evidence to effectively support that the aforementioned limits were primarily targeting radical solidarity unions. Ultimately, even if that is the case, the effects of the legislation are minimal; case in point, radical base unions in Athens organised their first-ever general strike in November 2018, which was

joined by primary unions around the country and was wildly successful in terms of participation;¹¹⁰ so much so that they are currently in the process of organizing a second one.¹¹¹ If employers and legislators are in need of laws to curtail the activities of well-rooted minority unions, especially those with radical ideas about industrial relations, it is apparent that they must wholly alter their approach on how to limit the right to strike.

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2 “The only part of the so-called national wealth that actually enters into the collective possessions of modern peoples is their national debt.” Karl Marx, 'Capital A Critique of Political Economy Volume I' (*Marxists.org*, 14 December 2010)

<www.marxists.org/archive/marx/works/download/pdf/Capital-Volume-I.pdf> accessed 17 May 2019.

3 Stefan Clauwaert and Isabelle Schömann, *The crisis and national labour law reforms: a mapping exercise* (ETUI 2012/4).

4 Tonia Novitz, 'The EU and the Right to Strike: Regulation Through The Back Door and Its Impact on Social Dialogue' [2016] 27(1) *King's Law Journal* <<https://doi.org/10.1080/09615768.2016.1148289>> accessed 8 May 2019.

5 Eurofound, *Impact on the Crisis on Industrial Relations and Working Conditions in Europe* (Eurofound 2014).

6 *Ibid*.

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8 Υπουργείο Εργασίας, Κοινωνικής Ασφάλισης και Κοινωνικής Αλληλεγγύης, Ροές Μισθωτής Απασχόλησης στον Ιδιωτικό Τομέα (ΥΠΕΚΑΑ Αυγούστος 2018).

9 European Commission, *Industrial Relations in Europe 2012* (Publications Office of the European Union 2013).

10 In addition to the struggles presented *infra*, Silvia Federici documents that “in Greece, as wages and pensions have been cut on average by 30 percent and unemployment among youth has reached 50 percent, several forms of mutual aid have appeared, including free medical services, free distribution of produce by farmers in urban centers, and the 'repair' by electricians of wires that were cut because the bills were not paid.” (Silvia Federici, *Re-enchanting the World: Feminism and the Politics of the Commons* (PM Press c2019) 88).

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12 *Ibid*.

13 Ibid.

14 Ibid.

15 Ibid.

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17 Ibid.

18 Ibid.

19 Athanasios Tsimikalis, 'The Right to Strike Terms and conditions' (*Greeklawdigest.gr*, 5 March 2019)

<<http://www.greeklawdigest.gr/topics/employment/item/128-the-right-to-strike-terms-and-conditions>> accessed 20 May 2019.

20 Ibid.

21 Ibid.

22 Ibid.

23 Ibid.

24 Ρούλα Σαλούρου, 'Απεργίες: Τι ακριβώς αλλάζει στη λήψη απόφασης και οι ερμηνείες' (*Kathimerini.gr*, 11 January 2018)

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26 Theodoros Katsanevas, 'Trade Unions in Greece' [1985] 40(1) *Relations Industrielles / Industrial Relations* 99-116.

27 For how this principle was put to action by the Bolsheviks themselves, see Chapter 2.

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Chapter 7 – Sweden

7.1 The Land of Labour Peace

Some readers might find it surprising that Sweden, famous for being the land of social-democratic labour peace, is included in this study. It might be hard to believe that alternative, and even radical, forms of worker organising can be found in Sweden, and even more so, that the more severe and possibly successful efforts to curtail the activities of such organizations, through limiting the right to strike, are thought up in this country, and will come into force in a few short weeks. It is especially surprising since merely two years ago an amendment limiting the rights of trade unions to industrial action was repealed.¹ A brief presentation of how industrial relations are structured in the country, is necessary to properly comprehend these recent and still on-going developments vis a vis the right to strike in Sweden.

According to Walter Korpi, the first three decades of the 20th century were characterized with a very high level of industrial conflict in Sweden, which became renowned as “the country of 'industrial peace'” only after the Second World War.² However, in the 1970s, a number of strikes mainly in the mining and forestry industries, most of them unofficial as well as illegal and unconstitutional according to the Swedish legislation at the time, threatened to disrupt said peace.³ Korpi describes how the Swedish legislators approached the issue, not by limiting the rights and competences of workplace unions, but by increasing them,⁴ with several new laws and amendments during that decade.⁵ In Korpi's opinion, the most important of these new

laws was the one enacted in 1976, about employee participation in decision-making in the firm.⁶ This law gave unions the right to bargain in all areas of their choice, replacing the previous laws on collective bargaining which limited the issues which could be legally included in collective agreements, thus also expanding the legal scope of strikes, since all the matters that are included in collective bargaining are legitimate reasons to go on a strike over.⁷

This approach to industrial relations can be partially attributed to the ties between the Swedish Trade Union Confederation (Landsorganisationen, LO), the largest union confederation in the country, and the Swedish Social Democratic Party (Sveriges socialdemokratiska arbetareparti, SAP), the largest political party in the Riksdag, i.e. the Swedish parliament. LO was established in 1898 by members of the SAP, and, according to Gabriel Kuhn, the relations between the two remain very strong.⁸ It is indicative that the attacks on the Ghent system,⁹ briefly mentioned in Chapter 1, and the Lex Laval amendment happened during the period after SAP lost the elections to a Right wing party coalition, the Alliance for Sweden (Allians för Sverige), in 2006. The Alliance reformed the Ghent system in 2007, causing, inter alia, an increase in the membership fees of unions and a gradually lower replacement level of benefits for the unemployed.¹⁰ As a result, 300,000 people left the system in 2007 alone,¹¹ leading some scholars to consider this reform as an assault on trade unions and their membership.¹² As presented in Chapter 4, Lex Laval was a 2010 amendment to the law regulating posted workers, severely restricting the trade unions' ability to use industrial action against companies who had refused to permit their posted workers to be covered by Swedish collective

agreements.¹³ When the SAP returned to power in 2014, they immediately began working on a repeal of Lex Laval, which came into force in 2017.¹⁴ Vis a vis the Ghent system, the Alliance restored the fund fees to about the same level as before 2007 a few months before the Swedish elections in 2014.¹⁵

7.2 The Assault on Minority Unions

The on-going process to limit the right to strike is tightly connected to the binding effects of collective bargains in Sweden. Most workplaces in the country are today covered by collective agreements set up by LO, which apply not only to the members of LO, but also to other employees in the workplace. When an agreement has been signed, “(i)ndustrial peace – the no-strike rule – is then applicable.”¹⁶ However, only the members of LO are bound by LO's part of the agreement, which means that workers who are members of other trade unions are free to initiate industrial action, even if the current collective agreement includes a peace clause.¹⁷ This “basic rule”, as Mats Glavå, one of Sweden's foremost labour law experts, called it,¹⁸ became excitingly salient during a recent labour conflict in the port of Gothenburg, the largest port in the Nordic countries.

Labour Conflict in Gothenburg

The conflict was between the global port giant APM Terminals, backed by the Danish Maersk group, the world's largest container shipping company, and the Swedish Dockworkers Union's Branch Four, also known as the Hamnfyran.¹⁹ The latter is part of the Swedish Dockworkers Union

(Hamnarbetarförbundet), which was formed in the early 1970s after a split with the LO-affiliated Swedish Transport Workers' Union.²⁰ It is thus independent from all three of the major union confederations in the country – the LO, the Confederation of Professional Employees (TCO) and the Swedish Confederation of Professional Associations (Saco). While APM Terminals holds a collective agreement with the Transport Workers' Union, the Hamnarbetarförbundet is the largest union in Gothenburg specifically.²¹ Consequently, when major issues arose between the Hamnarbetarförbundet and ATM Terminal in 2016, after a change in management within the latter, the Hamnfyran took its members out for two 24 hour strikes. The conflict escalated with additional 48 hour strikes; after Hamnfyran went on another strike in November of that year, both parties requested that the national government step in and mediate.²² The suggested agreement submitted by the mediators did not give Hamnfyran independence nor did it put them on an equal level with the Transport Workers' Union. Hamnfyran's spokespersons criticized the mediators for having close ties with the LO, refused the deal and went on strike again; after an eight-hour work stoppage in early 2017, their only work stoppage in that year, the Hamnfyran requested the replacement of the mediators.²³ However, the mediators remained, and early in that same year a new opportunity arose to resolve the conflict when the nationwide collective agreement between the Transport Workers' Union and the industry organisation Ports of Sweden (Sveriges Hamnar, part of the Swedish Confederation of Transport Enterprises) expired. Hamnfyran proposed a joint agreement with the Transport Workers' Union to re-establish industrial peace in Gothenburg and all Swedish ports.²⁴ The agenda of the major mainstream unions in the conflict was further revealed when

the Transport Workers' Union refused the proposal, and signed a three-year agreement with Ports of Sweden.²⁵ According to Hamnfyran's spokesperson Erik Helgeson, "the simple explanation for the Swedish Transport Workers' Union's silence and LO's silence is that they quite simply are hoping that APM Terminals will destroy the Dockworkers Union in the container terminal, and then subsequently they will be a domino effect where we are weakened throughout the entire country" [...] "(b)ecause they believe that there should only be one union for dockworkers and that's the Swedish Transport Workers' Union."²⁶ Helgeson's view is hard to argue against; Jan Sjölin, who has been working for the LO for 30 years and was one of the two mediators trying to resolve the matter, stated in an interview that his idea for a solution would be "everyone in Gothenburg joins the Swedish Transport Workers' Union, then those who are currently in the Dockworkers Union will join over the Swedish Transport Workers' Union's local branch in Gothenburg."²⁷

Although, according to Glavå, it is unusual for an employer not to enter into a collective bargaining agreement with the labour union that can provide industrial peace,²⁸ this is exactly what happened, forming two clear sides on this conflict; on the one hand, Hamnfyran, stands alone; on the other hand, APM Terminals, the Ports of Sweden, the Confederation of Swedish Enterprise (Svenskt Näringsliv, SN)²⁹ and the Transport Workers' Union.³⁰ APM Terminals's next move was to fire a great number of employees, most of them members of Hamnfyran, and to impose a lockout of the container terminal; the mediators then asked to be released from their mandate.³¹ During the lockout, Hamnfyran struggled to pay a part of its members' wages, while the company received money from the

SN's Strike and Labour Conflicts Fund.³² That was the situation until early 2018, with the Minister for Employment and Integration declaring that the Swedish model, in the case of the Port of Gothenburg, is not working as it was intended, and that the government is prepared to amend the legislation if needed.

Limiting the Right to Strike

With a government willing to reform the law concerning strikes to disadvantage independent minority unions, the LO, TCO, Saco and the SN decided to step in and present their own proposal about how the law should be changed.³³ The government agreed with allowing the social partners to deal with the issue, and in June 2018 a proposal from the latter was ready.³⁴ According to Gabriel Kuhn and Micke Nordin, the social partners proposal effectively makes all forms of industrial action illegal, except vis a vis attempts to compel employers to sign a collective bargaining agreement, in the case that they have not done so before; even in that case, workers and their organizations need to first come to the negotiation table.³⁵ As soon as the social partners were finished with their negotiations, the Minister for Employment and Integration proclaimed her support of their proposal,³⁶ and after the proposal was voted into law, supported by a devastating majority within the Riksdag,³⁷ a fast-track process of implementation was enacted according to the Minister's insistence, so that the law will be put to force in August 2019, instead of 2020.³⁸

In order to fully comprehend how far-reaching the consequences of this law could be, vis a vis industrial action limitations, it is necessary to have an idea about what the

Swedish Labour Court has considered as industrial action in past verdicts. Kuhn and Nordin describe that in 2005, “the court declared that 'basically any action – or lack thereof – that can have an impact on the party against which it is directed, can be considered an industrial action.' This can practically encompass anything. Indeed, we find that in certain cases, the Swedish Labour Court has classified actions such [sic] handing out leaflets and writing opinion pieces as industrial actions.”³⁹ In addition, the repercussions of breaking the law are already unevenly divided between companies and unions. Kuhn and Nordin explain that employers can legally avoid prosecution, for example in the case of unlawful firings, by offering compensation payments.⁴⁰ On the contrary, unions can be made legally liable for all alleged losses that companies suffer as a result of unlawful industrial action directed against them, as it happened with the *Laval* case.⁴¹ When nearly all forms of industrial action will be made illegal, entire unions could be financially ruined.⁴² Another criticism vis a vis the proposal, is that it is allegedly misleading; Kuhn and Nordin note that “the proposal claims that 'more men than women' will be affected by it. The reason given is 'the division of gender within the transport and construction industries.’ [...] “A report by the National Mediation Office – which is regularly cited throughout the proposal – clearly states the opposite: 'During the period in question [2000-2016], most cases of such conflict [involving industrial action] occurred among cleaners (about 50), followed by hotel and restaurant workers (about 45), longshoremen (about 35), construction workers (about 30), in the retail business (about 30), and in heavy industry (about 20).’ In short, the industries most affected if the proposal becomes law will be industries dominated by women. This stands in glaring contradiction to the proposal’s claims.”⁴³

The proposal was criticized by trade unionist like Kuhn and Nordin, as well as by academics like sociology professor Anders Kjellberg and the aforementioned Mats Glavå, on the grounds that it is facilitating the nationwide establishment of yellow unions, i.e. unions that are formed by the employers, or workers supporting them, ensuring that, while the provisions of labour laws are met, the union is controlled by management.⁴⁴ According to the proposal, employers will not be forced to sign collective agreements with the unions that hold the majority of workers in the enterprise, as it is the case of Hamnfyran in the Gothenburg docks.⁴⁵ It is up to the employer to decide which union they want to sign an agreement with, and this agreement will then be binding for everyone else.⁴⁶ This can potentially lead to two very severe issues; first, the aforementioned establishment of yellow unions; second, the facilitation of “contract shopping”, i.e. the ability of employers to choose to bargain with the union that provides the agreement with the lowest costs.⁴⁷ This will result in trade unions getting involved in a race to the bottom, since workers will only have an active interest to be a part of and pay dues to the union that has an agreement with the company they work for.⁴⁸

This puts in question how the proposal can be reconciled with the ILO Convention 87. The Convention, which was ratified by Sweden in 1949, requires all ratifying countries “to take all necessary and appropriate measures to ensure that workers and employers may exercise freely the right to organise”, while the “law of the land shall not be such as to impair, nor shall it be so applied as to impair, the guarantees provided for in this Convention.”⁴⁹ According to Kuhn and Nordin, the right for Swedish workers to join unions that do not have a bargaining

agreement with employers will be rendered essentially meaningless, since these organizations will have no right to act.⁵⁰ Nota bene, as mentioned in Chapter 4 of this study, both the Committee on Freedom of Association and the Committee of Experts on the Application of Conventions and Recommendations, in their interpretation of C87, have rejected the notion that the right to strike should be confined to industrial conflicts revolving around collective agreements, according to Bernard Gernigon et al.⁵¹ In addition, according to Article 11(1) of the European Convention on Human Rights, ratified by Sweden in 1953 and applied as law in the country, “(e)veryone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests”.⁵² As the article makes clear, workers right to form and join organisations is not an isolated one; it is directly related with the aim to protect their interests. In Kuhn and Nordin opinion, rendering all worker organizations, that do not have a bargaining agreement with employers, powerless to act and protect their members' interests, violates the Convention;⁵³ not to mention the recent decisions of the European Court of Human Rights, presented in Chapter 4, which established a close connection between freedom of association and the right to strike.⁵⁴

The proposal also received criticism by members of the Labour Court,⁵⁵ as well as by several organisations and influential trade unionists within the LO. When the conflict at the port of Gothenburg was peacefully resolved earlier this year,⁵⁶ several LO unions thought that there was no longer a need to change the legislation.⁵⁷ However, both the government and the SN insisted that a change of the rules is necessary,⁵⁸ and it did not

take long for the LO members to fall in line and wholly support the new legislation.⁵⁹ In the parliament vote on the 18th of June, 2019, only the Left Party (Vänsterpartiet) voted against the law.⁶⁰ According to Kuhn and Nordin, this stance by the Social Democrats, both in the SAP and in the major labour confederations, should not come as a surprise; “the conflict at the Port of Gothenburg mainly served as an excuse for the ruling class to move its positions forward.”⁶¹ The SAP has been dedicated to a course towards neoliberalism ever since the 1990s, when they privatised major parts of the public sector, inter alia schools, postal services, the transport system, housing projects and clinics.⁶² As for the SN, even before the change of government in 2006, they have been advocating for a change in the countries laws, to alleviate what they perceived as an unfair advantage that trade unions had over companies;⁶³ according to Charles Woolfson et al, SN expressed its growing impatience with the new centre-right government’s apparent neutral position in the Laval case after the general election in 2006, since it took that government years to create and put in force the Lex Laval amendment.⁶⁴

As it should be expected, the legislation proposal raised a great deal of reactions also from solidarity unions and other grassroots worker organisations. Soon after it was made public in June 2018, the Transnational Social Strike Platform published a call for a nationwide strike;⁶⁵ “two thousand people gathered in Stockholm for a day of action that included marches, blockades, and a rally outside the LO headquarters.”⁶⁶ Thus began the Strike Back initiative, a series of demonstrations, events and industrial action in defence of the right to strike.⁶⁷ More importantly, the country's most salient solidarity union, the Central Organisation of the Workers of

Sweden (Sveriges Arbetares Centralorganisation, SAC – Syndikalisterna) has been spearheading the struggle for the defence of the right to strike, with the support of other Swedish solidarity unions, like the Anarcho-Syndicalist Youth Federation (Syndikalistiska Ungdomsförbundet, SUF),⁶⁸ as well as international worker organisations, like the Industrial Workers of the World (IWW).⁶⁹

7.3 Solidarity Unionism in Sweden: SAC – Syndikalisterna

Origins and Historical Overview

SAC's historical roots can be found, unsurprisingly, in the failures of the LO to properly protect and advance the interests of the Swedish working class. As Kuhn describes, LO entered its first major conflict with the predecessor of SN, the Swedish Employers Association (SAF), in 1909, over “lockouts and salary cuts, which the employers attempted to justify as necessary means during a time of economic recession. From August 4 to November 13, 1909, the so-called *Storstrejken* (Great Strike) effectively put a halt to industrial production and service industries in the country.”⁷⁰ The Great Strike failed to produce any results; on the contrary, thousands of workers lost their jobs, and accused the leadership of the LO both for not organising the strike properly and for not putting enough pressure on the employers.⁷¹ Almost half of the LO's members left the organisation, and in 1910 SAC was founded as a radical alternative to the confederation.⁷²

According to Kuhn, SAC's radical syndicalism had two main influences; the French *Confédération Générale du Travail* and the American IWW.⁷³ It was a founding member of the

anarcho-syndicalist International Workingmen's Association, in 1922; as Rudolf Rocker reports, by that time SAC had over 32,000 members.⁷⁴ In 1924, SAC's membership reached its highest number, with 37,000 members.⁷⁵ By the mid 1930s, membership had fallen to 35,000 members, but by that time an even more radical anarcho-syndicalist federation, the Syndicalist Workers' Federation (Syndikalistiska Arbetarfederationen) was active in the country, founded by ex-IWW and ex-SAC member P. J. Welinder in 1928 and had several thousand members; "this was the pinnacle of syndicalist organizing in Sweden,"⁷⁶ and a key factor behind the very high level of industrial conflict in the country during first three decades of the 20th century, mentioned in the beginning of this chapter. SAC's membership numbers fell during the Second World War, when a broad political coalition was governing Sweden, excluding only the Communist Party.⁷⁷ Under the emergency wartime laws, many SAC members were persecuted for protesting the politics of appeasement that characterised Sweden's relations with Nazi Germany until 1943; those syndicalists were sent to labour camps, which "had been established for drafted radicals whom the government wanted to keep separated from the regular troops."⁷⁸

As presented in Chapter 2 of this study, SAC's membership numbers continued to fall in the 40s and 50s, resulting to a reformist turn within the organisation; SAC set up a state-supported unemployment fund and indirectly participated in municipal elections.⁷⁹ Although this did not help the union recapture its former glory, there was an increase in membership during the 1960s.⁸⁰ With the traditional strongholds of SAC being the forestry and mining industries, as well as construction and stonemasonry,⁸¹ the organisation's members

must have played a role in the unofficial and illegal strikes that plagued Sweden in the 1970s. However, according to Vadim Damier, by 2002 SAC had only about 7000 members,⁸² and it was around that time that the union began to slowly shift back to its roots of workplace organizing and class struggle, under pressure by its membership.⁸³

Today the membership of the SAC has fallen to around 3000 members.⁸⁴ While many of those workers can be found in the restaurant, information technology, and logistics industries, SAC is an exception within the solidarity unionism framework, since the majority of its members are employed in the public sector, for example in the railway and public transports, healthcare, and education.⁸⁵ In addition, it is one of the most active trade unions in Sweden, vis a vis industrial action. In a country where the number of strike days has decreased from 682,652 in 1986, to 329 in 2017, according to Kuhn and Nordin, the SAC “often tops the annual list” of registered strike days.⁸⁶

Structure and Decision-Making

According to Kuhn, the main foundation of the organisation has remained largely unchanged since its formation over a century ago.⁸⁷ Inspired by the organisation model of the French CGT, the SAC is structured along two parallel lines, one geographic and the other industrial.⁸⁸ Nota bene, although the SAC is active around the country, more recently it is primarily active in the cities of Stockholm, Gothenburg and Malmö.⁸⁹

The geographical structure and the entire organisation are founded on the Local Co-organisations (Lokala

Samorganisationer, LS), which are organised as locally as possible, ideally with one LS per city or municipality.⁹⁰ The individual members of SAC are affiliated directly with their nearest Local Co-organisations.⁹¹ As one of the basic tenets of SAC's syndicalism is that all power of decision-making lies with the members, the structure of each different LS may vary a lot.⁹² A District is established by several LSs in the same geographical area, to facilitate their cooperation of their activities; the LSs that established the District decide what its function should be.⁹³ Finally all LSs are members of the SAC federation, the name of the central authority, whose tasks are primarily, and principally, coordinating and administrative.⁹⁴ SAC's highest governing body is the Congress, which is held at least every three years; representatives are sent to the congress from each LS, whose number of members determines how many representatives they may send.⁹⁵ The members of the LS have in advance decided how representatives should act in the questions that are to be discussed at the congress, and the representatives are bound to those decisions.⁹⁶ A central committee (centralkommitté, CK), comprised by members elected from the Districts, meets four times a year and leads the implementation of the decisions made by the congress, as well as makes decisions on lesser issues. Those are handled by the seven members of the Arbetsutskott (Executive Committee, AU), who are elected in the congress and meet biweekly.⁹⁷ Referendums are utilised to solve important issues between congresses.⁹⁸

The industry structure is based on the workplace branches, which are organised without regard to occupation on the working place in question, and may go on strike independently of other parts of the organisation if so decided by their

members.⁹⁹ Branches belonging to the same industry establish Syndicates in the cities, municipalities or other geographic regions; branches connected to different LSs may join the same Syndicate.¹⁰⁰ Syndicates from all over the country join up to form industry-wise federations, whose primary purpose is to coordinate the cooperation and activities of the Syndicates.¹⁰¹

According to SAC, decisions should be made by those whom it concerns and not by representatives or leaders; that is why federalism and direct democracy are key aspects of the organisation's internal structure.¹⁰² Decisions about negotiations, agreements and direct action are made by the members of the branches, while each LS is independent in matters and questions solely concerning it, and has its own strike fund, even though there is a central strike fund too.¹⁰³ Furthermore, the central organisation can not veto conflict measures.¹⁰⁴ SAC does directly employ people, and their remuneration, in conjunction with costs related with other activities, had caused major troubles within the organisation in the past.¹⁰⁵ Nonetheless, concentration of power and bureaucratisation are avoided by not letting SAC's employees be eligible for election to positions of confidence or as congress representatives.¹⁰⁶

Campaigns and Activities

SAC has run campaigns on a number of very important political issues. Being one of the very few oppositional forces against fascism in Sweden during the Second World War, the union is widely recognised as an antifascist organisation;¹⁰⁷ in the 1990s, antifascism became once again salient, since Sweden was plagued by the violent actions of armed neo-Nazi

groups. As Kuhn describes, after Stockholm LS's member Björn Söderberg was assassinated by right-wing extremists in 1999, a broad effort to destroy neo-Nazi groups was initiated, supported by all political parties and the media.¹⁰⁸ One year earlier, in 1998, SAC became the first openly feminist union in Sweden; since 2017, the union organised strikes on the International Working Women's Day on March 8.¹⁰⁹ The union is also cooperating with LGBTQ groups,¹¹⁰ and in environmental campaigns;¹¹¹ it was the first union in Sweden to endorse the Global Strike for Climate in May 24, 2019.¹¹² Additionally, SAC publishes the newspaper *Arbetaren* (The Worker) since 1922,¹¹³ owns the publishing house *Federativs* and runs the unemployment fund *Sveriges Arbetares Arbetslöshetskassa* (SAAK).¹¹⁴

Moreover, SAC members organised a number of recent workplace campaigns. In 2010, hospital personnel, members of the SAC branch at the University Hospital in Lund, affiliated with the Malmö LS, organised strikes demanding an improvement of the labour conditions of the hospital's outsourced cleaners, employed by the multinational corporation ISS.¹¹⁵ The next year, Malmö LS organised a picketing campaign against Sweden's largest employment agency for personal care assistants, *Assistancia AB*, due to, *inter alia*, the latter providing poor training and neglecting workplace safety; the campaign gained nationwide attention and support.¹¹⁶ During that same year, SAC was responsible for the first strike at a state-run institution in decades.¹¹⁷ Teachers belonging to the Gothenburg LS, working at a women's youth detention centre, went on strike against the new teaching schedules that were limiting their course preparation time, along with their free time. After several weeks of fighting an

uphill struggle, since the strike could not cause any actual loss of profits, the new schedules were indeed revised.¹¹⁸ More recently, the Skåne Factory workers section (Sfws), part of the Malmö LS, won the fight for permanent contracts at the company they work at. Swfs is a migrant-driven union, comprised of workers from Romania and Hungary, and it is currently struggling to get the wages the company owes them.¹¹⁹

The involvement of migrant workers with the SAC is nothing new, especially considering that perhaps the most salient of the SAC's campaigns is the organisation of undocumented workers. In 2004, the Group of the Undocumented was established by members of the Stockholm LS.¹²⁰ According to one of the founders, Lotta Holmberg, "the idea had never been to organize *for* undocumented workers, but to provide an infrastructure that would allow them to organize themselves".¹²¹ The initiative proved a quick success; the founding meeting's attendance was comprised mostly by undocumented workers, and soon there was at least one LS in the city whose membership was composed almost exclusively by undocumented workers.¹²² The vast majority of those workers organised in the SAC comes from Latin America. The reason behind this is twofold, according to Kuhn. As early as the 1970s, radical Latin American organising was common in Sweden, since a great number of political refugees arrived in the country, escaping military dictatorships in their home countries;¹²³ today, since most of Latin American immigrants are seeking more economic prosperity, they are not as afraid of deportation, a valid threat for politically active migrants, as immigrants from Africa, Asia and the Middle East, who face war, imprisonment, torture, murder, famine and starvation if

they are deported.¹²⁴ As this study already presented, and also by Kuhn account, organising undocumented immigrants was a point of contest within trade unionism as far back as its earlier days; solidarity unions' struggle to establish and protect the rights of migrant workers, has always been viewed by mainstream unions as an effort to organise the unorganisable.¹²⁵ With undocumented workers comprising the most precarious workforce in Europe today, the major unions' stance on the issue, at least in early 21st century Sweden, seems to have hardly changed. LO, and members of political organisations, including the Left Party, heavily criticised the efforts of the Stockholm LS, accusing SAC of facilitating black labour market and the undercutting of wages.¹²⁶ In Kuhn's opinion, those accusations were unfounded; “(o)rganising undocumented workers helps stabilize wages”.¹²⁷ In Holmberg's own words, “(i)f you are afraid of undocumented workers undercutting wages, there are only two options: either you organize them or you deport them.”¹²⁸ Nota bene, after a number of successful campaigns in a number of establishments earned the Group of the Undocumented public attention and sympathy,¹²⁹ the LO altered its initial hostile approach; in 2008, around the same time when a Committee for Undocumented Workers was also established by the Gothenburg LS,¹³⁰ the LO, together with a group of smaller federations, established the Fackligt center för papperslösa (Union Centre for Undocumented Workers).¹³¹ In Holmberg's opinion, “this is an example of how syndicalist organizations can still have an impact on general union and labor politics even when they appear to be marginalized.”¹³²

The SAC's struggle for undocumented workers is not the only manifestation of the union's dedication to the principles of

international labour movement. Although it left the anarcho-syndicalist IWA in 1958,¹³³ the union is currently part of the Red and Black Coordination, an alliance of syndicalist organisations in Europe. The Coordination also includes the Spanish General Confederation of Labour (Confederación General del Trabajo, CGT), the French National Confederation of Labour (Confédération Nationale du Travail, CNT-F), the Greek Libertarian Syndicalist Union (Ελευθεριακή Συνδικαλιστική Ένωση, ΕΣΕ), the Polish Workers' Initiative (Inicjatywa Pracownicza, IP) and the non-IWA-affiliated current of the Italian Syndicalist Union (Unione Sindacale Italiana, USI).¹³⁴ According to Kuhn, SAC is also involved in international campaigns, like the Rättvis-Vinhandel (Fair Wine Trade) campaign.¹³⁵ The Swedish government is holding a monopoly on the sale of alcoholic beverages, and the products distributed by the state-run company Systembolaget include a great number of wines imported from Chile, Argentina and South Africa.¹³⁶ With the working conditions in the vineyards of those countries leaving a lot to be desired, the SAC Shop Branch of Systembolaget Employees (Driftsektion för Systembolaganställda, DFSA) initiated the Fair Wine Trade campaign in late 2010, to pressure the Swedish government, Systembolaget and other wine monopoly holders in the Nordic countries, to take all necessary steps to ameliorate those working conditions.¹³⁷ The DFSA established relations with Argentinian, Chilean and South African trade unions, and, according to DFSA member Emil Boss, after only one year of the campaign, conditions were improving in over fifty vineyards;¹³⁸ in June 2011 a vineyard workers' conference was organised in Chile, with the participation of unions from all four countries, as well as representatives from Systembolaget and other Nordic wine monopoly holders.¹³⁹

By Kuhn's account, "(t)he Fair Wine Trade campaign holds much future potential, not least because DFSA, as one of the SAC's most successful shop branches, has several years of experience in challenging Systembolaget's employment policies and labor conditions."¹⁴⁰ The Shop Branch for Stockholm's Metro and Rail Services (Driftsektionen för Stockholms Tunnelbana och Spårvägar, DSTS) is another example of the effectiveness of SAC's syndicalist organising provided by Kuhn. It was founded in 2003 in an industry plagued with many conflicts, vis a vis the railway and metro's privatisation that began in the 1990s.¹⁴¹ DSTS first rose to prominence in 2005, when it organised wildcat strikes after Per Johansson, the general secretary of the LO transport and communications branch, was fired by the company managing the metro at the time;¹⁴² these actions are indicative both of the willingness of solidarity unions to assist their mainstream counterparts in their struggles against management, as well as of their usefulness. Since then, DSTS organised a number of strikes, with demands ranging from health and safety to reasonable work schedules, as well as assisted many workers in conflicts vis a vis work-related accidents and punitive transfers.¹⁴³

Swedish railway workers have a long history of opting for radical organisations; back in 1913, those workers invented the register method (registermetod) of industrial action, "an alternative to collective bargaining agreements."¹⁴⁴ This method is comprised by the union members deciding on the minimum wage or labour conditions a trade, industry or company should have, and the employers who refused to comply are made targets of pickets and public campaigns.¹⁴⁵

Historically used on a number of occasions, this method was revived by SAC primarily in its fight for undocumented workers' rights, for example in the successful campaigns against the restaurants Lilla Karachi in 2007 and Josefina in 2008.¹⁴⁶ The register method faces certain criticisms even within the organisation, the most salient being that it requires a strong and dedicated workforce in order to have positive results, as well as the fact that if it is only used for undocumented workers, “it might undermine working-class unity”.¹⁴⁷ However, according to Kuhn, the majority of SAC's members recognises the advantages of this method vis a vis undocumented workers; in the latter's case, legally binding collective agreements are not an option, and, additionally, the campaigns serve to make the adversities those workers face publicly known.¹⁴⁸ The potential illegalization of the register method in August 2019, provides the SAC with another important reason to fight against the new legislation. The protests in 8 regions around Sweden in the 1st of May, and the demonstrations, including a 48-hour strike in Stockholm, during the Strike Back 3.0 dates, in 10th and 11th of May,¹⁴⁹ were some of SAC's latest contributions to the agonising struggle to defend the right to strike.

- 1 Eurofound, 'Sweden: The repeal of Lex Laval' (*Europa.eu*, 14 July 2017) <<https://www.eurofound.europa.eu/publications/article/2017/sweden-the-repeal-of-lex-laval>> accessed 18 June 2019
- 2 Walter Korpi, 'UNOFFICIAL STRIKES IN SWEDEN' [1981] 19(1) *British Journal of Industrial Relations* 66-86.
- 3 Ibid.
- 4 Walter Korpi, 'WORKPLACE BARGAINING, THE LAW AND UNOFFICIAL STRIKES: THE CASE OF SWEDEN' [1978] 16(3) *British Journal of Industrial Relations* 355-368.
- 5 Lennart Forseback, *Industrial Relations and Employment in Sweden* (Swedish Institute 1980).
- 6 Walter Korpi (1978) (ibid).
- 7 Ibid.
- 8 Gabriel Kuhn, *Syndicalism in Sweden: A Hundred Years of the SAC*. in Immanuel Ness (ed), *New Forms of Worker Organization* (PM Press c2014) 168.
- 9 It is important to note that countries where the Ghent system is established, have not as yet experienced as great a trade union density decline, as the rest of Europe (Kurt Vandaele, *Bleak prospects: mapping trade union membership in Europe since 2000* (ETUI 2019)).
- 10 Eurofound, 'Sweden: Social partners' involvement in unemployment benefit regimes' (*Europa.eu*, 24 April 2013) <<https://www.eurofound.europa.eu/publications/report/2013/sweden-social-partners-involvement-in-unemployment-benefit-regimes>> accessed 19 June 2019.
- 11 Ibid.
- 12 Inter alia, Anders Kjellberg, 'The Swedish unemployment insurance - will the Ghent system survive?' [2006] 1(6) *European Review of Labour and Research* 87-98; Anders Kjellberg and Christian Lyhne Ibsen, *Attacks on union organizing: Reversible and irreversible changes to the Ghent-systems in Sweden and Denmark*. in T P Larsen and A Ilsøe (eds), *Den Danske Model set udefra -komparative perspektiver på dansk arbejdsmarkedsregulering : Et festskrift til professor emeritus Jesper Due og professor emeritus Jørgen Steen Madsen* (The Legal and Financial Association's Publishers 2016) 279-302.
- 13 Eurofound, 'Sweden: The repeal of Lex Laval' (*Europa.eu*, 14 July 2017) <<https://www.eurofound.europa.eu/publications/article/2017/sweden-the-repeal-of-lex-laval>> accessed 18 June 2019
- 14 Ibid.

15 Anders Kjellberg, 'Växande avgiftsskillnader i a-kassan - ökad social polarisering' [2014] 1 Studies in Social Policy, Industrial Relations, Working Life and Mobility Research Reports.

16 The Swedish Trade Union Confederation (LO), the Confederation of Professional Employees (TCO) and the Swedish Confederation of Professional Associations (Saco), *The EU and the Swedish Collective Agreement Model* (Brussels Office of the Swedish Trade Union 2015) 6.

17 Additionally, workers have the right to take sympathy action directed at another employer that does not have an agreement (ibid).

18 Henrik Bergsten & Lina Makboul, 'How the labour conflict in the Port of Gothenburg became of critical importance for the entire Swedish labour market' (*SVT Nyheter*, 17 January 2018)

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22 Ibid.

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- 60 Axel Green, 'Riksdagen klubbade inskränkt strejkrätt' (*Arbetaren*, 19 June 2019) <<https://www.arbetaren.se/2019/06/19/riksdagen-klubbade-inskrant-strejkratt/>> accessed 19 June 2019.
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- 64 Charles Woolfson and others, 'The Swedish model and the future of labour standards after Laval' [2010] 41(4) *Industrial Relations Journal* 333-350.
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- 67 Strike back- försvara strejkrätten, 'Facebook Page' (*Strike back- försvara strejkrätten*, 2019) <https://www.facebook.com/StrikeBackSTHLM/?eid=ARDJV_osGqbg35NuZ-GnEMFR-CaRjSbeB8ohTHzg6kb4krfLCaH-

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74 Rudolf Rocker, *Anarchism and Anarcho-Syndicalism* (Freedom Press / Solidarity Federation 2014).

75 Gabriel Kuhn, *Syndicalism in Sweden: A Hundred Years of the SAC*. in Immanuel Ness (ed), (ibid) 169.

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79 Ibid 171.

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83 Gabriel Kuhn, *Syndicalism in Sweden: A Hundred Years of the SAC*. in Immanuel Ness (ed), (ibid) 172.

- 84 Gabriel Kuhn and Micke Nordin (ibid).
- 85 Sveriges Arbetares Centralorganisation, 'Homepage' (*SAC – Syndikalisterna*, 29 September 2015) <<https://www.sac.se/>> accessed 20 June 2019.
- 86 Gabriel Kuhn and Micke Nordin (ibid).
- 87 Gabriel Kuhn, *Syndicalism in Sweden: A Hundred Years of the SAC*. in Immanuel Ness (ed), (ibid) 173.
- 88 Ibid 169.
- 89 Ibid 174.
- 90 Ibid 172-173; Sveriges Arbetares Centralorganisation, 'Homepage' (*SAC – Syndikalisterna*, 29 September 2015) <<https://www.sac.se/>> accessed 20 June 2019.
- 91 Ibid; ibid.
- 92 Sveriges Arbetares Centralorganisation, 'The Principles and Aims of SAC' (*Archive.org*, 11 December 2006) <<https://web.archive.org/web/20061211173239/http://www.sac.se/en/princip.html>> accessed 21 June 2019.
- 93 Ibid.
- 94 Gabriel Kuhn, *Syndicalism in Sweden: A Hundred Years of the SAC*. in Immanuel Ness (ed), (ibid) 172-173 & 301.
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- 100 Ibid.
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- 103 Sveriges Arbetares Centralorganisation, 'Homepage' (*SAC – Syndikalisterna*, 29 September 2015) <<https://www.sac.se/>> accessed 20 June 2019.
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- 105 SAC's internal bulletin number 4-1995, 'What is happening in the SAC?' (*Libcom.org*, 3 June 2012) <<https://libcom.org/library/what->

- happening-sac> accessed 21 June 2019.
- 106 Sveriges Arbetares Centralorganisation, 'Homepage' (*SAC – Syndikalisterna*, 29 September 2015) <<https://www.sac.se/>> accessed 20 June 2019.
- 107 Gabriel Kuhn, *Syndicalism in Sweden: A Hundred Years of the SAC*. in Immanuel Ness (ed), (ibid) 170-171.
- 108 Ibid 171.
- 109 SAC Syndikalisterna, 'SAC Facebook Page' (*SAC*, 2019) <<https://www.facebook.com/pg/SAC.Syndikalisterna/>> accessed 21 June 2019.
- 110 Ibid.
- 111 Sveriges Arbetares Centralorganisation, 'Klimatkamp och Syndikalism' (*SAC – Syndikalisterna*, 2019) <https://www.sac.se/Aktuellt/Nyheter/Klimatkamp-och-syndikalism?fbclid=IwAR1aAyodK_2tRPN19ZhoCrJW17azMjqgWTDXpx6JYPpKmrYEPJjJSB8GGsk> accessed 21 June 2019.
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- 116 Ibid.
- 117 Ibid 181-182.
- 118 Ibid.
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- 121 Ibid [emphasis in original].
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- 123 Ibid 175.
- 124 Ibid.
- 125 Ibid 176.
- 126 Ibid.

127 Ibid.

128 Ibid.

129 Ibid 177-179.

130 Ibid 178.

131 Ibid 179; Fackligt center för papperslösa, 'Homepage' (*Fcfp*, 6 February 2010) <<http://www.fcfp.se/>> accessed 21 June 2019.

132 Gabriel Kuhn, *Syndicalism in Sweden: A Hundred Years of the SAC*. in Immanuel Ness (ed), (ibid) 179.

133 See Chapter 2.

134 Red and Black Coordination, 'Homepage' (*Redblack.org*, 29 October 2014) <<http://www.redblack.org/>> accessed 21 June 2019.

135 Gabriel Kuhn, *Syndicalism in Sweden: A Hundred Years of the SAC*. in Immanuel Ness (ed), (ibid) 179.

136 Ibid.

137 Ibid.

138 Ibid 180.

139 Ibid.

140 Ibid.

141 Ibid 180-181.

142 Ibid.

143 Ibid.

144 Ibid 176.

145 Ibid.

146 Ibid 176-177.

147 Ibid 301.

148 Ibid 176.

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<<https://www.facebook.com/pg/SAC.Syndikalisterna/>> accessed 21 June 2019.

Conclusion

What this study set off to accomplish was to define and conceptualise the manifestations of alternative forms of worker organising within the framework of solidarity unionism, provide both logical and historical evidence of the adherence of many solidarity unions to a radical approach on industrial relations and industrial action – an adherence that sometimes goes as far as political radicalism – and determine whether the recent limitations of the right to strike in three European Union member states were caused, at least partially, by the, relatively intense, activity of solidarity unions in those countries. With the relation between solidarity unionism and direct industrial action hopefully well-established, it is necessary to conclude with a summary of the effects those limitations had or could potentially have on solidarity unions, in order to assess what went wrong and what went right in each case.¹

The recent Swedish approach to right-to-strike limitation varies greatly from the approach of both the United Kingdom and Greece. In the latter's case, the reforms provided for an increase in the difficulty of calling a strike, vis a vis the number of union members who participate in the relevant decision-making process and vote in favour of striking. In the case of the UK, as it was presented, contrary to mainstream unions and especially those of public sector workers, the effects the new legislation had on solidarity unions have been minimal at best, judged by the increasing striking activity of those unions in recent years even after the new legislation came to force. The UK's solidarity organisations examined in this study, take the form of minority unions, and, since minority unions do not

exist outside and above their members, the rank-and-file collectively decides on every issue; a minority union, by definition, would always require the vast majority of its members to be in favour of striking, before organizing a strike. Furthermore, their model of organising and their approach on strikes set as an absolute precondition that a significant majority of the workforce will walk out if a strike is called; the members of a minority union would not even consider a strike before they had gained the support of the majority of their co-workers, at least according to the successful cases examined in this study. In addition to their structure and model of organizing that make them quite immune to the assault mainstream unions in the UK are facing, it is important to keep in mind that said assault is directly related to the retrenchment of the public sector; the primary target of the Trade Union Act (TUA) of 2016 is unions in the public sector, in accordance to the trends presented in Chapter 4.

There lies the most salient difference between the UK and Greece. In addition to the public sector, as this study demonstrated, the Greek private sector is also a primary target for reforms, related to introducing extreme flexibility of working conditions; as a result, private sector union's activity needed to be curtailed. In addition, with the extreme difficulty of setting up a sectoral collective agreement keeping the principle of favourability *de facto* reversed, company collective agreements have become a prominent way to ensure at least some basic rights for employees and combat the extreme flexibility in a private sector that is dominated by individual employment contracts. Thus, it is unsurprising that the Greek amendment of the strike law was aimed explicitly at primary unions, which are quite active in the private sector and do

manage to organise industrial action, including strikes, and force employers into signing collective agreements. However, vis a vis those primary unions which belong to the framework of solidarity unionism, the effects of the reform are and can only be minimal, due to reasons similar with the case of solidarity unions in the UK; although it should be noted that the new legislation does cause issues to those unions with nationwide membership. It should also be kept in mind that minority unions constitute only a fraction of the forms solidarity unionism is taking in the country, creating a diverse, multidimensional and versatile labour movement.

In the case of Sweden, a totally different approach on limiting the right to strike was implemented, since curtailing minority unionism's activities is explicitly the target of the amendments to the Swedish right-to-strike law; the new legislation is limiting the legitimate reasons for organising industrial action in general. One possible reason behind this completely different approach, is that the proposal was a product of not only legislators and employers, but of all three major mainstream union confederations in the country, whose relevance as organisations is more and more connected to the Ghent system and their role as mechanisms of distributing unemployment benefits, rather than to their commitment to working class' interests; nota bene that major unions in Sweden do not face the severe decline of membership that unions in other countries do. This united front of employers, mainstream unions, most political parties and the government, is responsible for this double-pointed assault on minority unions' activities, i.e. broadening the subject of the limitations to include every form of industrial action, while extremely limiting the circumstances when organising said action is legal,

providing for a potentially very effective tool against minority unions, including those that adhere to solidarity unionism. It is interesting to underline the similarities of the new Swedish legislation to the United States' Wagner and Taft-Hartley Acts, as well as the verdicts of the Court of Justice of the European Union in the Laval Quartet cases. In the case of the Wagner Act, both laws serve the interests of the most salient union federations in both countries; vis a vis the Taft-Hartley Acts, the laws limit the scope and legal methods of striking, during a time when the trade union movement is weak; the same can also be said about the CJEU decisions, with the addition that those decisions, as well as the new legislation in Sweden, refer to collective action in general and not only strikes.

Nota bene that, even though there is not enough evidence to convincingly argue that the aforementioned limitations are primarily targeting solidarity unions in Greece or Sweden, those reforms do aim at curtailing the activities of minority unions in general. As a matter of fact, limiting the right to industrial action has always been a viable means to repress alternative, and possibly radical, forms of worker organisation. In addition to the Wagner Act and the Taft-Hartley Act in the US,² this study has presented how the history of solidarity unionism in the 20th century has been one of constant oppression, for reasons that can be attributed, at least in part, to the worker radicalization that many of those organisations are born in and further facilitate. Moreover, the close link between solidarity unions and industrial action, many a time opting for unconventional and unorthodox methods of direct action over collective bargaining, makes them extremely harmful to the interests of employers. Taking into consideration the role of the governments as the “great Trade-Unions of the ruling classes”,³

there is a distinct possibility that more countries will soon follow Sweden's example, if it proves successful enough, in their efforts to curb the increasing activity of solidarity organisations and other minority unions; efforts which are an inherent part of the assault on trade unionism in general, especially considering the usefulness of solidarity unionism to mainstream unions when the latter do not compete with or actively assault the former. This bleak, for the labour movement, possibility becomes more and more probable, with the hope for trade unionism's future, as Kurt Vandaele considers the emergence of solidarity unions in the platform economy to be,⁴ entering a new phase of increased and globalised organisation and activities.⁵ As the situation in Sweden dictates, it is vital for trade unionists to come up with ideas of how to deal with this bourgeois onslaught, sooner rather than later.

While it is not the purpose of this study to provide a deterministic, functionalistic or prescriptive approach to the future of trade unionism, it is important to keep in mind that the labour movement had reacted to legal limitations of its rights in a number of ways in the past; mainly by ignoring said limitations. Some of the already presented examples include the rise of unofficial strikes in Sweden in the 1970s, the wave of wildcat strikes in the South African mining sector in 2009-2012, the US teacher strikes in 2018-2019 and the 2009 energy industry wildcat strikes, as a result of the Laval limitations, in the UK. This is not to say that striking illegally is an easy or simple solution; however, it serves to indicate, as this study hopefully showcased, the spiral process of legal limitations to workers rights facilitating the radicalization of parts of the workforce, which in turn facilitates them opting for more

extreme methods of industrial action, including the creation of solidarity unions, to deal with the new situation.⁶ It is, thus, to be expected that workers within solidarity unions are busy developing alternatives to striking;⁷ SAC – Syndikalisterna, for example, is currently developing and presenting a series of methods for workers to influence the reality of their workplace, without engaging in any “formal” form of industrial action.⁸

One final prospect that needs to be examined is directly linked with the revolutionary origins of solidarity unionism and the labour movement in general. Although it should be clear from this study's analysis that a revolutionary agenda is not necessarily a part of solidarity unionism, it should also be made clear that the revolutionary ideas of the 19th and early 20th centuries were born from the bottom-up, based on the working and living conditions that workers found themselves in. As this study presented, the conditions that large parts of the working class in many countries are facing today, are, or are becoming, very similar to those over a century ago. As it was also presented early in this study, a number of prominent scholars back in those days, revolutionaries as well as conservatives, considered unionism to be incompatible with capitalist development, due to what they perceived as capitalism's tendency towards a falling rate of profit clashing with the unions' raising wages concern. Whether that is the case calls for further analysis; an analysis which escapes, of course, the scope of the present study.⁹ However, with capitalism nearing a point of complete global domination as a social system, it is not unwarranted to examine the possibility that there is no “space” left for any processes that are irreconcilable with it, including trade unionism. If that is indeed the case, the sole solution to the dreadful predicament unionism finds itself into, lies in Karl

Marx's insistence that unions should realise the inherent characteristics of capitalism, relinquish the conservative motto "A fair day's wage for a fair day's work" and adopt the revolutionary "Abolition of the wages system".¹⁰

- 1 What constitutes “right” and “wrong” varies greatly depending on the readers position on the subject, and, dare I say, the reader's social class.
- 2 It is to be expected, taking into account the dynamic character of class struggle, that developments are happening while this study is being written. For an example of such developments, see the attempt to further curtail the rights of teachers in West Virginia, which the Wagner Act excludes from collective bargaining and industrial action since they are public sector workers, after said teachers' successful strike wave of 2018-2019 (Rex Santus, 'The Battle Between West Virginia Teachers and Republicans Is About to Get Ugly' (Vice, 18 June 2019) <https://news.vice.com/en_us/article/43jpyq/the-battle-between-west-virginia-teachers-and-republicans-is-about-to-get-ugly> accessed 25 June 2019).
- 3 Karl Marx, *Letter to Paul and Laura Lafargue*. in Kenneth Lapidés (ed), Marx and Engels on the Trade Unions (International Publishers 1990) 112.
- 4 Kurt Vandaele, *Will trade unions survive in the platform economy? Emerging patterns of platform workers' collective voice and representation in Europe* (ETUI 2018)
- 5 Callum Cant and Jamie Woodcock, 'The end of the beginning' (*Notes From Below*, 8 June 2019) <<https://notesfrombelow.org/article/end-beginning>> accessed 25 June 2019.
- 6 It can not be stretched enough that this is not meant to be a general rule, or a rule of any kind, just an indication of a certain possibility, which could be distinct or remote according to different conditions.
- 7 Reddebek, 'Report on the 2018 IWW Organising Summit' (*Libcom.org*, 21 October 2018) <<https://libcom.org/blog/report-2018-iww-organising-summit-21102018>> accessed 16 May 2019
- 8 SAC Syndikalisterna, 'SAC Facebook Page' (*SAC*, 2019) <<https://www.facebook.com/pg/SAC.Syndikalisterna/>> accessed 21 June 2019.
- 9 For a more detailed presentation of the argument demonstrated in this paragraph, and how it relates to contemporary socioeconomic developments, see Carlo Morelli, 'Karl Marx wouldn't agree that worker power has been killed by the 21st century' (*The Conversation*, 3 May 2018) <<https://theconversation.com/karl-marx-wouldnt-agree-that-worker-power-has-been-killed-by-the-21st-century-95982>> accessed 26 June 2019.
- 10 Karl Marx, *Wages, Price and Profit*. in Kenneth Lapidés (ed), Marx and Engels on the Trade Unions (International Publishers 1990) 95.

Glossary

anarcho-syndicalism: the only purely anarchist mass movement of global proportions in history, anarcho-syndicalism is based on the idea that Communism, i.e. a social system where both the social classes and the State are abolished, can only be achieved if the spheres of production, distribution and consumption are self-managed by the workers themselves; this could be made possible if all workers banded together to form their own, horizontal organizations, where decision-making is achieved by discussions and agreements from the bottom up, and used the general strike as their primary weapon. Thus, true to the anarchist ideas, anarcho-syndicalists rejected the purely political struggles of attempting to take over the state, either by elections or armed insurrection.¹

bourgeoisie: the social class that owns and controls the means of production; their sole societal concerns are the value of property and the preservation of capital, to ensure the preservation of their economic dominance in society.²

capitalist class: see *bourgeoisie*

class struggle: the multidimensional conflicts between the social classes within a society, the driving force of history according to historical materialism.³

council communism: a political philosophy influential in Germany and the Netherlands in the 1920s. Also known as councilism, it was characterized by its opposition to state capitalism as it was manifested in Soviet Russia, and its

advocacy of workers' councils and soviet democracy as the basis for dismantling capitalism and its State.⁴

Ghent-system: the arrangements between the State and trade unions, regarding predominantly unemployment benefits, whereby the responsibility for welfare payments is held mainly by the unions, instead of a government agency. It is the primary form of unemployment benefit arrangement in Denmark, Finland, Iceland and Sweden.⁵

Global North/South Divide: The concept of a gap between the Global North and the Global South in terms of development and wealth. Initially referring to absolute geographical terms, with the growing inequality within countries the terms “Global North” and “Global South” are now often used in regard to rich and poor communities both between and within countries.⁶

grievance: a legal complaint, claiming, for example, that the employer is somehow violating the collective bargaining agreement.⁷

labour movement / socialist movement: the organised efforts of workers to improve their economic and social status by united action.⁸ According to Eatwell and Wright, the difference between the labour movement and the socialist movement, is that the goal of the former is to protect and strengthen the interests of labour within capitalism, while the goal of socialism is to replace the capitalist system entirely.⁹

libertarian socialism: a group of anti-authoritarian political philosophies within the *socialist movement*, that rejects the conception of socialism as centralized state ownership and

control of the economy.¹⁰

local: A local union or union branch is a local branch (or chapter) of a usually national trade union.¹¹

radical: from the Latin radix (“root”), *radical* is anything relating to, or proceeding from a root. Vis a vis its political aspects, it refers to views, practices, and policies of extreme change.¹²

scab: a strikebreaker; a worker who accepts employment or refuses to abstain from work during a strike.¹³

social dumping: the corporations' practice of using cheaper labour than what is available in a region, either by hiring migrant workers, outsourcing activities or relocating operations, and the regulatory response by the governments to lower labour standards.¹⁴

social reformism: the idea that socialism can be achieved through peaceful parliamentary reforms of the capitalist system, instead of a violent *social revolution*; it originated in the works of Eduard Bernstein.¹⁵

social revolution: abrupt change in the structure and nature of society; indicatively the one anticipated or advocated by socialists and communists.¹⁶

union security agreements: agreements between employers and unions on the extent to which the union may compel employees to join the union, inter alia to combat the “free rider” problem.¹⁷

working class: the sum of the people who rely solely on their wages to survive; in Marxist theory, it includes all workers who utilize both physical and mental labour to produce economic value for the owners of the means of production, the *bourgeoisie*.¹⁸

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