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# Out of the Frying Pan

a critical look at Works Councils

Solidarity Federation

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1999

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## Publications

*Direct Action*. Quarterly magazine of the Solidarity Federation. £1.50 or £12 for a supporters' subscription (£6 low/unwaged).

*A brief introduction to the Solidarity Federation*. Free.

*Health & Safety at work - an anarcho-syndicalist approach*. £1.

*Anarcho-syndicalism in Puerto Real: from shipyard occupations to mass community resistance*. £1.

*Anarchist Economics - an alternative for a world in crisis* (workers' self-management of industry in Spain 1936). £1.

*Anarcho-Syndicalism*, R. Rocker. The origins, history, principles and methods of revolutionary unions. £2.50.

*Syndicalism*, Tom Brown. A collection of down-to-earth articles on the ideas, practice and goals of revolutionary unions. £3.95.

*Anarchism and Environmental Survival*, Graham Purchase. A look at the importance of revolutionary unions and workers' control to successfully addressing the key environmental issues of today. £6.95.

*Anarchism & the Black Revolution*, L.K Ervin. Black self-organisation with a revolutionary union perspective, covering issues as wide as racism, US government, the drug epidemic and workplace organisation. £6.

*Free Women of Spain*, M Acklesburg. A unique account of the working class womens' organisation in 1930's Spain that struggled for the social revolution alongside the most famous of revolutionary unions, the CNT - and was far in advance of post-war "feminism". £11.99.

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working class organisations based on similar principles - revolutionary unions. These are not Trade Unions only concerned with “bread and butter” issues like pay and conditions. Revolutionary unions are means for working people to organise and fight all the issues - both in the workplace and outside - which arise from our oppression. We recognise that not all oppression is economic, but can be based on gender, race, sexuality, or anything our rulers find useful. Unless we organise in this way, politicians - some claiming to be revolutionary - will be able to exploit us for their own ends. The Solidarity Federation consists of Industrial Networks and Locals which are the nuclei of future revolutionary unions and centres for working class struggle on a local level. Our activities are based on Direct Action - action by workers ourselves, not through intermediaries like politicians and union officials; our decisions are made through direct participation of the membership. We welcome all who agree with our aims and principles and want to work to achieve social revolution. We recognise that the class struggle is world-wide, and are affiliated to the International Workers’ Association (IWA), whose Principles we share.

## ***Global Solidarity***

Capitalism is international, so we need to be organised globally to oppose it and build a viable alternative. Nationalism and patriotism lead to pointless and false divisions, used as tools to fuel economic and bloody wars. Solidarity Federation opposes these in favour of a movement built on global solidarity. Solidarity Federation is the British section of the International Workers' Association (IWA), the anarcho-syndicalist international. This gives it essential international solidarity and experience from much larger sections such as the CNT (Spain) and USI (Italy). Founded in 1922, the IWA has a long history of solidarity in action; by the 2nd World War over 5 million people worldwide were affiliated. A combination of war, fascism, and soviet 'communism' all but destroyed the movement, but after the Spanish CNT re-emerged in the late 70's, the IWA had a new lease of life. Today, there are sections ranging from a few dozen to thousands of members, and growth is rapid. At the last IWA Congress in Madrid, another 7 new sections were affiliated from South America, Africa, Ireland, Eastern Europe and the former Soviet Union. The growth continues...

## ***SolFed Aims...***

The Solidarity Federation is an organisation of people who seek to destroy capitalism and the state. Capitalism because it exploits, oppresses and kills working people and wrecks the environment for profit world-wide. The state because it can only maintain hierarchy and privilege for the classes who control it and their servants; it cannot be used to fight the oppression and exploitation that are the consequences of hierarchy and the source of privilege. In their place, we want a society based on workers' self-management, solidarity, mutual aid and libertarian communism. That society can only be achieved by

Works Councils are coming to Britain.

But what are Works Councils, and what will they mean for working people and trade unions?

Are the TUC unions right to welcome the changes in labour relations which Works Councils will bring?

Works Councils, far from empowering people, act as a tool by which management can control and pacify people at work.

The truth behind Works Councils is exposed here through the views of workers in France, who have witnessed their failure at first hand.

The message is clear; there is nothing to be gained and much to lose from the introduction of a Works Council system in Britain.

Out of the Frying Pan is a new, critical analysis of Works Councils and a look ahead at a real future for organising and fighting back in your workplace.

## Preface

To comply with the social chapter of the Maastricht Treaty, most of the major companies operating in Britain will be compelled to introduce European Works Councils by 1999. The Works Councils system could be extended further if a proposed directive is introduced, which would call on all companies with more than 50 employees to set them up too.

The TUC and virtually all the unions have welcomed the introduction of Works Councils, claiming they will change the face of industrial relations in Britain. The unions argue that the introduction of Works Councils will offer workers a significant say in the running of companies.

But Works Councils, far from empowering people, act as a tool by which management can control and pacify people at work. The truth behind Works Councils is exposed here through the views of workers in France, who have witnessed their failure at first hand. The message is clear; there is nothing to be gained and much to lose from the introduction of a Works Council system in Britain.

So what lies ahead for British working people, in an era of declining trade unions and a full retreat into 'partnership' - where all the cards seem to be held by management and big business? What is it going to take for us to organise effective opposition to the rhetoric of globalisation? Since the trade unions are so hopelessly beyond offering any effective defence of working conditions, it would appear that there is only one alternative to reform - and that is renew. Casting the Works Council system and any other offers of poisoned chalices aside, there is

## *Direct Action*

Apart from being the name of the Solidarity Federation Quarterly, Direct Action is the tool which Locals use in all their work. At a basic level, this can be simply the spreading of information through leaflets, local bulletins and public meetings to raise awareness and involvement locally. However, Direct Action is not limited to spreading information. It means a physical presence in defending and promoting a better quality of life. Fundamental to Direct Action is the reality that we can only rely on ourselves to achieve our goals. While we reserve the right to fight for improvements to our quality of life now, the solidarity movement must always remain independent from those we are demanding from. Solidarity Federation will accept neither leadership, charity, nor guidance from government or business - instead, we must couple our principle of solidarity with the practice of self-reliance.

## *Networks*

Solidarity Federation members who work in the same industry form Networks. Their purpose is to promote solidarity amongst workers. Networks also use all the tools of Direct Action at their disposal, to fight for better pay and conditions now. Networks form the basis of a completely new labour movement, nothing like the Trade Unions, which are weakened by having to abide by ridiculous laws, and by hierarchical power structures and self-interested paid officials. The fundamentally different nature of Networks fits their fundamentally different aim.

This means demanding work which is useful, interesting and fulfilling, not organised by parasites for their own advantage. We'll only get this by worker's control and self-management.

Similarly, we've had enough of the passive consumption for profit which passes for relaxation and recreation. Everyone must have the opportunity to contribute to society, and get to use their full range of abilities both for the common good and for fun.

The revolutionary union is not just about the workplace, but all human life. Power and control - not seizing power through control of the state - but taking it into our own hands through our own organisations - is the key to solving many of the problems we suffer.

### **Who's SolFed?**

Solidarity Federation is the new solidarity movement. Formed in March 1994, it consists of a federation of groups and individuals across England, Scotland & Wales. The basic foundation of Solidarity Federation is the Local.

### ***Getting down the local***

People are getting together to form Locals - Solidarity Federation groups. Locals put solidarity into practice. In time, each Local will have a premises as a base for solidarity action in the local community. Locals are organising or getting involved in local campaigns across a wide range of issues - both in the community and in workplaces. Issues are wide-ranging: defending our natural and local environment and health; opposing racism, sexism and homophobia; in fact, anything which defends or contributes to our mutual quality of life. It all forms part and parcel of the building of a solidarity movement.

now the clearest case yet for setting up new workplace organisations, entirely independent of the state, the management, or of union bureaucrats.

As a result of the Labour government signing up to the Social Policy section of the Maastricht Treaty, Works Councils will be introduced into most major companies operating in Britain by 1999. But it may not end there. Under a proposed new directive, all companies operating in the European Union and employing more than 50 workers will also be required to introduce Works Councils.

The present criteria, as laid down by the Maastricht Treaty, requires European based companies to introduce European Works Councils (EWCs) only where they employ over a 1000 workers in their "home" country and over 150 workers in two separate member states. This alone will result in over 1200 European companies introducing EWCs, including household names such as Phillips, Renault, ICI and Marks and Spencer. It is estimated that 30,000 workers' representatives will be elected to serve on Works Councils.

Nor will it just be companies based in the European Union that will be affected. The Maastricht Directive also imposes EWCs on transnational companies based outside Europe, but with major undertakings within the European Community. This will mean companies such as Ford, Sony, Panasonic and Nestle establishing Works Councils in their European operations.

The purpose of the European Union introducing EWCs is to ensure that management consult the workforce before making major changes. Management will have to submit a report outlining their plans for the coming year, and as the Directive states, consultation with the Works Council shall be "on the basis of a report drawn up by central management on the progress of business...and its prospects". This report will have to include issues such as; current financial situation, the company's future prospects, expected levels of investment,

and recruitment prospects. Works Councils will also have to be consulted on issues such as proposed redundancies, mergers, transfers of production, and the introduction of new working practices.

The best form of action to take must be decided by the workers ourselves, based on our knowledge of what will be most effective. It is important that any campaign of action has maximum involvement from workers affected.

The election of a workplace convenor, and any negotiators, dispute committees or shop stewards is by the Workers' Assembly. All officials must be unpaid, and are accountable to and recallable by an assembly convened as swiftly as adequate notice can be given. No-one has the power to negotiate without a mandate.

The revolutionary union wants all workers to join, but rejects the passive membership of the existing unions. Members must pay subscriptions and do organisational work. Ideally all workers should join the workplace branch so that it becomes the Workers' Assembly.

Solidarity between workers is encouraged on local, regional, national and international levels.

Revolutionary unionism organises on the basis of Federalism, where all co-ordinating bodies are directly elected, and composed of delegates who have a specific mandate from their constituency. Initiative and decision-making power remain with the Workers' Assembly.

A revolutionary union does not simply have an industrial structure, it also has local and regional structures. All members are part of a Local, which exists to provide solidarity, support and resources to the local community organisation. Thus, it is a base for action on a wider social agenda, not simply for supporting workplace activities. This means the revolutionary union can address all working class issues, wherever and whenever they arise.

### ***We want real social change***

Today our lives are defined by work, or by our exclusion from it. Life is split into work and leisure. A revolutionary union must end this division, and fight against it in society.



- Refusal to limit our agenda to ‘bread-and-butter’ issues like pay and conditions (though these are important).

This means fighting against the bosses’ attacks, and also for workers’ self-management of production and the end of the wages and bosses system. We are opposed to the wages system because it is the means by which we are paid less than the value of our work, with bosses, shareholders, etc. living off the difference. Instead of this exploitation, we want to create a society based on the principles called Libertarian Communism - from each according to their ability, to each according to their needs.

We reject the trades union/political party division embraced by both the official Labour Movement and the “revolutionary left”. A workers’ organisation must both fight back and work to build a new society.

### ***How revolutionary unionism works***

All decisions affecting workplace issues are made by Workers’ Assemblies - regular meetings for all workers - with the power to make binding decisions and with control over all committees and delegates elected by them.

Anything won by workers is the result of effective action and solid organisation, or of the credible threat of the former, not of good will on the part of management. At present, any attempt to take effective action runs into a minefield of anti-union laws and victimisation. Sometimes it also has to face hostility from the existing unions. The best defence against legal action is to win any dispute as quickly as possible. This can demonstrate that the anti-union laws are useless in the face of well-organised defiance. It will also show that workers can retaliate against punitive measures, and defend victimised activists.

## **The British Context**

The introduction of European Works Councils will affect millions of workers and introduce wide ranging consultative powers. Given the marginalisation of the British Trade union movement, it is hardly surprising that they have welcomed the introduction of Works Councils. But it would be a mistake just to see the trades union acceptance of Works Councils in terms of a desperate trade union movement, accepting any changes that will boost their failing power. The embrace of Works Councils reflects a fundamental change in trade union thinking - one which seeks to come to terms with their loss of power and re-define their role in society.

Traditionally, the British trade union movement’s right to organise has never had full legal status. Instead, it has been based on building membership in the workplace and forcing recognition from management. This free collective bargaining approach reflects the class antagonisms that have long characterised industrial relations in Britain.

Grass roots trade unionism in Britain was underscored by an “us and them” approach to management. Militant workers saw industrial relations in terms of a fight between management and worker; a fight which could only eventually be won through the use of direct action in the workplace. This workplace-driven brand of class based trade unionism held as fundamental the idea that workers had the right to organise and take action, free of state or management control.

Attempts by post-war governments to introduce more social democratic forms of industrial relations, through a shift towards the idea that management and workers had a “com-

mon” interest and so could co-operate, were forcibly rejected by militant trade unionism. Such outright opposition to state regulated manager-worker co-operation reflected the unions’ deep distrust of British capitalism and the state. The unions saw attempts by the state to restrict activities such as the right to strike, in return for legally defined rights and greater social spending, as little more than outright attacks on the union movement.

The passing of Thatcherism has fundamentally changed this trade union perspective. Union leaders are now willing to accept even the draconian Thatcherite anti-trade union laws, in return for being granted legally-defined recognition rights.

### **The New Realism**

Gone is the class perspective and free collective bargaining that has powered much of post-war trade unionism. To the “modern” trade union leader ideas of class are now seen as outdated. The unions have dropped class conflict and are now eager to stress their positive and unifying role. They argue that union membership, in the modern trade union, leads to greater productivity and increased profit. The unions new message is that granting union recognition encourages a consensus driven “team” approach to industrial relations, which can but lead to greater efficiency. The new role for trade unions is to raise staff morale by keeping them informed of management thinking, whilst also identifying and codifying workers’ discontent and channelling it through a recognised procedure.

The unions are keen to promote this new image and to demonstrate that they can work with any reasonable management or political party. Unfortunately, they feel that their willingness to modernise has not met with the proper response from British capitalism, which they see as backward looking, outdated and firmly stuck in the traditional class based approach to industrial relations. The unions hope the Blair revolution will lead to Britain becoming a modern

worker participation. The fact that the unions are claiming these change as victories merely reflects their sterility in the face of rampant capitalism.

Victories for workers will only be achieved when we once again have a movement capable of confronting capitalism. In seeking to build this we must take account of the massive economic changes that are taking place and learn from past mistakes. There is little point in rebuilding a trade union movement that has clearly failed - even if it were possible.

What is needed now is not so much a new union movement, but the creation of a new social movement, capable of fighting for improvements in all aspects of working people’s lives in the short term. Such a movement must always retain the ultimate aim of replacing capitalism with a system geared to meeting people’s real emotional and physical needs.

We realise that such a movement will not come about overnight. But the building of such a movement represents the only real alternative for working people. Along with thousands of people in our various sister organisations across the planet, we in the Solidarity Federation are committed to building such a movement.

The following Solidarity Federation ideas on the nature and purpose of such a movement of the future present a fundamental alternative to Works Councils and the pandering to management and capitalist profits that participation in them involves.

### ***A different kind of union***

A different kind of union must be based on two fundamental principles;

- Direct Democracy - decision-making and control of all actions, negotiations and policy-making by the membership

reconstruction of working class organisation and the birth of a workers' movement worthy of the name.

For the CNT, our long opposition to participating in Works Councils is now being justified. The long slow process of building effective workplace organisation is beginning to come to fruition. The CNT is now growing at a faster rate than at any time in its history. We will continue to argue for the ideas and methods of anarcho-syndicalism, which we believe is the best way forward for workers to confront and overcome the monster that is capitalism and replace it with a system run by and for workers on anarcho-syndicalist principles.

### **A Fundamental Alternative**

In Britain we face a different situation than in France. Having little experience of Works Councils, workers may be tempted to see them as a way out of our current weakened position. Even those who despise the current move to cleanse the trade unions of any hint of class struggle may be tempted to support Works Councils, on the grounds that management will at least have to consult workers.

This would be a mistake. The acceptance of Works Councils and the ideas they embody can only delay and deflect workers from the real task of re-building collective organisations capable of challenging management. At best, Works Councils will help restore the trade unions officials' lost sense of self-importance, by providing them with a role. At worst they will be used to undermine or even replace what little is left of effective workplace organisation. Either way they will be used as a management tool to manipulate the workforce, while not improving the lot of the working class one jot.

Works Councils should be seen for what they are, along with the other "positive rights" about to be bestowed on workers in social chapters and the like; all are an attempt by the more thoughtful wing of capitalism to introduce mechanisms of social control into the working class, dressed in the language of

democratic economy based on the European social market model - one which offers a limited but at least clearly defined role for the unions in society.

Though the unions are beginning to doubt New Labour's commitment to their cause, they are confident that they have an ally in the European Union. The unions calculate that European capitalism and European governments are far more responsive to their modernist message. Increasingly, they look to European legislation to introduce laws guaranteeing basic union rights, which British capitalism will then be forced to accept. This has led the once hostile British trade unions to become the most Europhile of British organisations. To listen to TUC officials, you might think the massive problems facing the British working class will be solved once Britain adopts European industrial relations legislation.

It is against this background that the unions have welcomed the social chapter. The unions see the introduction of Works Councils as part of hope for europeanisation of British society. But in reality, what difference will they make to working people, and are they the step towards increased workers welfare they are often made out to be?

### **Works Councils Basics**

Much of the ideas behind Works Councils were developed in Germany, through rejection of the harsh, class conflict ridden, Anglo-Saxon free market model. The chosen alternative was an attempt to develop a social market model aimed at reducing class tension, by assimilating workers into capitalism. A system of Works Councils was first introduced into Germany by Bismarck in the early 1900's, as part of a package of social reforms. The intention was to curb some of the worst excesses of emerging German capitalism.

Bismarck's aim was to prevent working class alienation by introducing limited state regulation of capitalism. His hope was that the limited rights of representation, granted to the

workers under the Works Councils system, would help reduce 'the economic and social strains that threatened the nation'. His wish was to extend the paternalistic approach of feudalism to the emerging capitalist system. Bismarck's ideas were based on the theories of the powerful German Christian Democratic movement and, in particular, the Catholic social theorists, who developed the idea of the social market.

In social market theory, the individual company is not seen as a mere maximiser of profit. They argue that companies should take into account the needs of the workers as well. This was not merely for altruistic reasons. The social market theorists saw that by allowing workers to voice their concerns, and to some degree acting on those concerns, workers could be won over to the idea that their interests and those of managers were one and the same. In the modern language of human resource management, workers would see themselves as "team" players, working for the greater good of the company, whose long term success was important for everyone involved.

In this context, the Works Council was seen as the best mechanism to ensure worker integration. Social market theory has a clearly defined aim for Works Councils; that their introduction will undermine and eventually replace traditional trade union organisation.

### ***Bad for workplace organisation***

The threat Works Councils pose to collective organisation was fully appreciated by the British trade union movement in the past. In the late 1960's and early 1970's, successive governments attempted to introduce the ideas of Works Councils as part of the post war search to control unofficial workplace militancy. In 1973, the TUC responded with a report that concluded that Works Councils would "at best, duplicate existing trade union structures" making them "superfluous". At worst, "they would displace or supersede existing union

ify workers demands. The current recession, coupled with the introduction of new technology and the increased globalisation of production, is forcing management to introduce radical changes to the methods of production. These changing economic conditions have caused management to switch their approach to Works Councils. Management is now attempting to use the Works Council system to try to persuade workers that there is no alternative but to accept the "logic" of the market. In other words, workers must accept worsening conditions, falling living standards and more "flexible" working practices to ensure their companies' long term survival.

The French reformist unions, having long made their peace with capitalism, can offer no alternative. They cannot but accept management arguments. Instead of opposing management attacks, the unions can only hope to mediate their effects through negotiation. The role of the unions is changing to that of helping to manage economic change on management's behalf. By doing so, they are pursuing the interest of management against those of the workers they claim to represent.

This changing role of the unions is resulting in growing tension in the workplace. Growing disillusionment with the unions and the Works Councils on which they depend is leading workers to create their own independent structures. Workers are now by-passing the unions and Works Councils to form strike committees and other democratically controlled co-ordinating bodies, to fight off management attacks.

These independent workers' groups, though often tenuous and short lived, are evidence of the growing crisis in the union movement. Increasingly, there is a separation taking place between those who argue for increased mediation and collaboration through the Works Council system, and those who argue for organising outside existing structures, in order to pursue workers' interests against those of management. Though the latter is only slowly evolving, it represents a move towards a

increasingly clear to workers that the Works Council cannot protect their interest. This growing disillusionment has led to a growing credibility crisis in the Works Council system - which manifests itself in increasing rates of abstention in Works Councils elections, especially among young and part-time workers.

The crisis of legitimacy faced by Works Councils is creating a crisis in the unions. The unions have become so dependent on Works Councils for survival that they have little choice but to defend them. This is hardly a case of greater union credibility leading to increased action, rather a case of increasing disillusionment, resulting in a downward spiral of trade union demoralisation.

### ***Is involvement in Works Councils possible for purely tactical reasons?***

There have been occasions when groups or individuals have stood for Works Councils even though they oppose them in principle. There are a number of problems with this "Negative" approach. Once elected, no matter how noble the initial intentions, there is always the danger of that representatives will become integrated into the system. But, by far, the major flaw in this approach is that it fails to offer a workable alternative to the Works Council system. Having no alternative to them, it fails to challenge them, and so guaranteeing their continued existence. Opposing Works Councils and failing to build an alternative to them inevitably creates its own limitations - of radical words but an inability to act.

### ***What does the future hold?***

For much of the post-war period, capitalism experienced conditions of stability and expansion. During periods of economic expansion, capitalism used Works Councils to limit and mod-

arrangements". As such, they were "unacceptable" to the trade union movement.

The threat to collective organisation posed by worker participation has not diminished in time. A number of the more 'forward looking' British companies encourage worker participation as a way of preventing collective organisation. For example, The Body Shop recently rejected union recognition on the grounds that they did not want to create a "manager against worker environment". They went on to say; "we cherish strongly our own special working relationship culture" and see "the involvement of all our employees in all aspects of our business as vital to the success of the company". To encourage worker involvement, Body Shop plan to introduce Works Councils at local and company level, "so that elected individuals can meet with senior management to listen to their views and offer their views in return".

### ***Good for business***

The attractions of Works Councils to companies like The Body Shop are clear. Through them, management can impose their agenda on the workforce. They can manipulate workers into participating in their own exploitation. In theory, Works Councils are forums where management and worker put aside sectional differences to work for the greater good of the company. In reality, it is the workers who put aside their interest for the greater good of increased profit. In the event of workers forgetting their role and starting to voice their own demands, the Works Council system has an in-built get-out clause. Works Councils are purely consultative bodies and, as such, management can simply ignore their findings.

## *One-way partnership*

If the basic characteristic of Works Councils is a formal talking shop, then the Directive on European Works Councils is quite specific as to the role of such a forum. It states that EWCs are being introduced “to improve the right to information and consultation of employees” in transnational corporations by establishing “a European Works Council or procedure for informing and consulting employees”.

The Directive defines consultation as “the exchange of views and the establishment of dialogue between employees’ representatives and central management or any more appropriate level of management”. The wording is clear on the limits of the Works Council; “the EWC has no power to veto or delay management decisions, the prerogatives of central management are unaffected.”

The true role of Works Councils were highlighted by a member of a European Trade Union, Willy Buschak. In a rare piece of candour, commenting on the failure to stop Hoover re-locating a factory in France, at the cost of hundreds of jobs, he stated; “the European Works Council cannot be looked upon as a magic tool to prevent relocation. A European Works Council would perhaps not have been able to avoid transfer of production within Hoover. It might not even have wished to do so... a EWC would have avoided misunderstanding and distrust among workers of the company.”

There we have it. If a EWC had been in place at the time, the Hoover workers would still have been redundant. But they could have taken to their new life on the dole, secure in the knowledge that Hoover had kept them informed through the Works Council that they were to be made redundant, and that their representatives on the Works Council had reluctantly agreed the redundancies were necessary for the greater good of the company. A truly comforting thought.

state.

### ***Does Participation increase our credibility and initiate resistance?***

It is argued that participating in Works Council elections strengthens union organisation by increasing awareness of their ideas and methods. In the long term, this is supposed to lead to greater collective organisation and an increased willingness for workers to take action.

However, once again, this argument bares little resemblance to reality. Forty years of union activity centred on Works Councils have fossilised the unions. At election time, working people have to witness the edifying sight of unions battling it out, each prepared to go to any lengths in the grubby scramble for votes. We are told by the unions that this unseemly pantomime in some way increases the unions credibility!!

Once elected the Works Council representatives, being unaccountable, are free to deal with management proposals as they think fit. In the time-honoured tradition of unaccountable trade union officials, it is not long before they are selling out the interest of the workers they supposedly represent, leading to bitterness and demoralisation among the workers.

Even if an individual Works Council representative is determined to stay loyal to the workers they represent, the nature of the system will bring about failure. The individual has no control over other representatives, who may be not only non union members, but members of right wing or even fascist organisations. Equally, the whole rationale and agenda of Works Councils is determined by management. Faced with these obstacles, individual representatives, no matter how idealistic, can achieve little for their workers this way.

The failings of Works Councils were not so evident during the long post-war boom, when management were willing to make concessions to the unions. But with economic crisis and the accompanying management offensive, it is becoming

offensive aimed at getting rid of the most effective activists, who stand in the way of management's right to dictate conditions in the workplace.

The elect representative is guaranteed organisational rights by management - but only as long as they do not stand in the way of management. Should the representative start to organise opposition to management, then the rights, granted by management, are simply withdrawn by management - as an increasing number of militants are finding to their cost.

Nor should militants look to the state for protection. For example, in 1993, the government inspectorate upheld as lawful the sacking of 14,326 staff representatives out of a total of 17,740 dismissals. To put it another way, the government upheld as lawful 81% of representatives being sacked!!

It is not the law that protects trade unions but strong workplace organisation. Instead of organising in the workplace, unions have spent the last 40 years fighting each other, in a continued battle to win places on Works Councils. What have the unions got to show for 40 years of battling over positions on Works Councils? A union organisation that is little more than a glorified electoral machine, a passive paper membership, and countless "legal" rights increasingly ignored by management and worth little more than the paper they are written on.

The CNT, in rejecting the work council system, has been able to concentrate on the long process of building a workplace organisation. It is true that, in boycotting Works Councils, the CNT activists have none of the legal protection afforded to Works Council representatives (for what it is worth). The CNT strategy is geared to building a large workplace presence, where strength comes from the size of the workplace branch and an active conscious membership willing and ready to take action to defend delegates and improve conditions.

In short, the CNT power is based on workers solidarity, not worthless rights granted to workers by management and the

### ***Self-preservation***

The puzzle is, why is it union leaders are falling over themselves to welcome Works Councils, given that they pose such a threat to collective organisation? Well, the unions no longer have any quarrel with the ideas on which Works Councils are based. John Monks, leader of the TUC, spends much of his life promoting the idea that the unions can deliver a motivated, efficient workforce. Having no quarrel with the Works Council idea, their intent is to capture them to increase union influence.

This is by no means a new strategy; a number of unions in Europe have embraced Works Councils and used them as a basis for organising. However, the contradictions between Works Councils and democratic collective organisation are so great that ultimately this strategy is bound to fail. Works Councils can only serve the interest of management and even well-intentioned attempts by unions to adapt to them, to serve the interest of workers, can but end in failure and betrayal. This conclusion is clearly supported by the example of the experience of the French trade union movement.

### **Case Study - France**

In France, all workplaces with more than 50 employees elect representatives to Works Councils. Those workplaces with less than 50 workers elect staff representatives, who meet with management once a month, to undertake the same role as Works Councils.

The French unions are small by northern European standards, with less than 15% of the total workforce organised. They now dominate representation on Works Councils.

The CNT is a sister organisation of Solidarity Federation - it is the International Workers' Association section in France. CNT is also a functioning Anarcho-sindicalist union. What follows are views on various aspects of Works Councils, from the CNT's perspective.

### ***How do CNT members in France view Works Councils?***

The CNT is opposed to the attempts of reformist unions to make peace with capitalism. Rather, we have argued for the building of revolutionary unions based on anarcho-syndicalist principles. As part of the process of building a revolutionary movement, we have been organising independent, democratically controlled, workplace branches. The CNT is bitterly opposed to participation in Works Councils.

We have long argued that Works Councils have little to do with increased workers' control. They are the mechanism by which management seek to control and pacify the workforce. Participation in Works Councils creates apathy among workers and cannot but lead to the incorporation of the trade union movement into the capitalist system. Furthermore, the Works Councils system has had a highly corrupting effect on the union movement.

### ***Why do unions participate in Works Councils?***

Given the weakness of Works Councils and their undemocratic nature, it might be questioned why the French social democratic unions are so committed to them. The reality is that the unions have become dependent on them. The basis of union organisation is no longer the workplace branch; the Works Council has superseded the branch.

There are some 110,000 worker representatives elected onto Works Councils in France and just over 200,000 staff representatives elected in small firms. Two thirds of Works Council representatives are union members, and a high percentage of staff representatives are also union members. If the large number of union members who act as staff representatives in the public sector are added to this, the picture emerges of a grass roots union organisation that is geared towards and exists around the Works Council.

Equally important to the unions is the financial support they gain from participating in Works Councils. Only one tenth of

union income is generated by membership subs. The rest is derived from Works Council participation and the monies paid to the unions for participation in state funded bodies, such as social security and industrial tribunals.

The pivotal role played by the Works Council in union life cannot but shape the unions general outlook. The prime task for the unions is no longer the recruitment and education of members and the building of an organisation cable of confronting management, but rather to try and ensure a favourable vote in Works Council elections.

The unions are no longer democratically controlled organisations which workers join to further their interest. The unions do not see workers as members, but as an electorate they call upon to endorse their candidate come election time. This reduces workers to mere voting fodder, whose only input and participation in union matters is to cast their vote occasionally. This lack of worker participation in union affairs breeds apathy among workers.

The reformist unions in France are no longer independent working class organisations. They are funded by the state and management, through the Works Council system. The unions cannot afford to judge Works Councils on their effectiveness in defending workers' interests. They must unconditionally support the Works Council. The only other option would be withdrawal - and that would mean the collapse of the union.

### ***Does participation bring protection for active union members and ensure more freedom of action?***

The unions argue that being elected onto Works Councils ensures union recognition and bestows on elected members basic rights, which protects them from management victimisation. But these claims simply do not match up to reality.

The total number of staff representatives dismissed by employers has risen from 5% to 10% over the last few years. Increasingly these dismissals take place as part of a management