

**Unions for the Union?**

**Union attitudes towards Scottish independence**

**Professor Gregor Gall**

**Professor of Industrial Relations**

**University of Bradford**

**Email: g.gall@bradford.ac.uk**

**Introduction**

**Employment Research Service**

The key but also most damning argument in the union movement against independence for Scotland in the forthcoming referendum thus year is that a) it would split and break the unity and strength of the unions and working class in Britain, and b) that this strength is predicated on organisational structures being cross-British. The purpose of this paper is to examine whether this argument holds water. It will be done by laying out what the outcomes the argument specifies and then consider their probability. But before doing this, it is worth laying out how unions in Scotland are presently lining up on the issue of Scottish independence.

**For, Against, Neutral and Not Yet Decided**

All unions in Scotland supported devolution (and that parliament should have tax raising powers) in the referendum of 1997 and all have favoured enhanced devolution of one kind or another but given that this is not a choice available in the independence referendum (with a straight yes/no choice), unions have begun adopting contrasting positions. Through the course of 2013 onwards, different unions have begun to set out their positions – yes, no, no position, neutral, not yet decided and so on.

The STUC undertook a consultation exercise called ‘A Just Scotland’ in late 2012 and produced from this an interim report (also called ‘A Just Scotland’). Essentially, the STUC set out its position of what it wished society and the economy in Scotland to look like – based upon social justice - and asked the ‘yes’ and ‘no’ campaigns as well as the mainstream political parties to respond to this in terms of whether they supported the STUC views and how the STUC’s vision might be delivered under their respective perspectives. This was a particular studious way of avoiding taking a precise position given division between and within the ranks of affiliates (yes, no, no position, neutral, not yet decided etcetera) and that the referendum was some way off. This position was endorsed at the 2013 STUC congress and led to the publication of a second ‘A Just Scotland’ document in early 2014 which developed its existing position of asking questions of the two campaigns and scrutinising the claims and positions of the two campaigns. Again, it did not seek to come to a definite or definitive view in regard of the question posed in the referendum although in launching the document, the STUC general secretary remarked that affiliates’ members were more attracted to voting yes than no because of the former’s ‘social agenda on welfare and addressing inequality. … It’s fair to say that they’ve been largely disappointed by the lack of vision from the No campaign’ (*Scotsman* 21 February 2014).

In this context of the STUC’s consultation exercise, individual unions did, however, begin to set out their own respective positions. Many held series of regional members’ meeting to help them decide their position and some gave implicit steers from their leaderships in London. Aslef, the GMB, Community and Usdaw adopted a ‘no’ position (with some affiliating to the no campaign called ‘Better Together’). The positions of Unison and Unite are that they have not taken a position (any position) so far and may not do so at all. At a consultative conference for its Scottish branches in February 2014, PCS chose to adopt a neutral stance of neither supporting the yes or no positions and their respective campaigns.[[1]](#footnote-1) The POA Scotland was the first union to support independence. This was decided at its annual conference in 2012, reaffirmed in 2013[[2]](#footnote-2) and reflected differing government (Westminster, Holyrood) policies on pay rises, pensions and privatisation. In 2013, the FBU decided at is annual conference not to take a position one way or another and to remain neutral.[[3]](#footnote-3) And in late 2013, the NUJ took a position akin to that of the STUC in terms of asking questions about the future of the media, employment rights and pensions when set against its own policies. At the same time, the UCU did similarly in terms of post-16 education (especially with regard to universities). Neither then concluded in taking any position (including remaining neutral). Meanwhile, Prospect took the decision to remain neutral and furnish its members with advice to allow them to make their own decisions. It is anticipated that after a consultation exercise in late 2013, the CWU will take a no position while it is likely that the RMT will not adopt a no position.

**The Cataclysm and its Consequences**

The first consequence stipulated by the argument would be that common employers are not faced by workers by in the same union or as a joint force so that workers are weaker and ultimately can be subject to the tactic of ‘divide and rule’ by employers. The second is that workers do not show solidarity to each other when they are in struggle because they no longer see themselves as brothers and sisters due to the border. The third is that workers compete against each other – on their terms and conditions of employment – in order to win the favour of employers.

Each of these outcomes is more than *possible* if Scotland was to become independent. But that does not mean to say that they are *probable* because it is seldom that the structure of unions in and of itself - within and between different countries - plays a decisive or significant role. What is the more important factor is the oppositional class consciousness of workers. Such a consciousness can lead to different workers in different unions in different countries pulling or pushing in the same direction. For example, the 1984-1985 miners’ strike saw huge financial donations from outside Britain (especially from French, Russian and East European miners) as well as huge divisions within Britain especially in the form of the Nottinghamshire area of the NUM. That the NUM was a British-wide union did not have a bearing on this. The same point is true of the Liverpool dockers’ strike of 1995-1996. The more substantial support was forthcoming from dockers outside Britain and not the dockers’ own union at the time, the TGWU. Nonetheless, workers in the same industries in different countries can and do compete against each other in order to receive investment for continued production at their workplaces. The most obvious example here is of car companies ranking their various plants in an inter-national productivity league table and only further investing in the most productive ones and closing down the least productive ones. So some care needs to be taken in order not to wrongly assume that change in the structure of nation states means that worker solidarity across borders cannot or will not take place. But by the same token, it should not be assumed that bigger states guarantee that the unions that operate within them will support their members in struggles throughout the geographical territory of this state.

The strongest case for such a doomsday scenario of disunity is probably to be found in the public sector/public services (see below) and not in the private sector. This is because there would be far less change to structure of employers in the private sector but much more in the public sector. In the private sector, it is anticipated that companies that currently operate across the border would probably be required to exist after independence as new companies or subsidiaries either side of the border. (This assumes that company law changes after independence which may not definitely be the case if a number of components of the economy remain the same as the SNP wishes). This has implications for whether collective bargaining structures would remain the same. At the same time, it has to be recognised that very few industry or sector wide collective bargaining structures still exist and companies have also devolved bargaining structure to plant level so that they do not engage in company-wide bargaining. The implication of any change to bargaining structures, nonetheless, is that workers will find it more difficult to act in concert with each other (for example, over striking for higher pay rises). That said, there is no reason for workers to either leave existing unions to set up new ones, or for existing unions not to cooperate with each other either side of the border if Scotland was to become independent. And there is good reason to believe that even if employers would be constituted as separate legal companies north and south of the border, they would through close historic and on-going ties in practice continue to act pretty much as one body either side of the border, especially as the existing management would remain in place. This point is buttressed by the fact that employment law in an independent Scotland is unlikely to change (and change dramatically) any time soon under an SNP dominated government. But more important than this would be that the structure of the labour market within the Britain would remain very similar because workers are prepared to move across and throughout Britain for work and because employers would recruit throughout Britain for employment north and south of the border. So, for workers employed in effectively the same company either side of the border, there would be no point not staying in the same union.

What would or could be new would be that corporation tax levels might be significantly lower in Scotland than in England (or Wales and Northern Ireland) as this is the intention of the SNP. Indeed, the SNP has stated that it intends to reduce corporation tax the level of the Republic of Ireland. That reduction might occasion workers in England to feel compelled to offer concessions in their terms and conditions of employment in order to counter-balance what was perceived as Scotland’s competitive advantage (i.e., to make up for the higher taxes in England). Or it might compel the government in the rest of Britain to lower its corporation tax (or change the tax law so that companies find it easier to evade paying their full amount of corporation tax). But it also has to be recognised that competition in the private sector between workers either side of the border between England and Scotland over investment and divestment would not be a new phenomenon as competition already exists between different areas within Britain to attract investment or retain production (especially by offering concessions on work practices).

Overall, the effect of independence on unions and industrial relations is, therefore, not likely to be significant in the private sector. The situation in the public sector is probably much different though. A new state in Scotland will become a new employer for many public sector workers, occasioning new and separate bargaining arrangements. Already significant numbers of civil servants are employed by the Scottish government and covered by separate collective bargaining arrangements. Furthermore, teachers, local government workers and NHS are already covered by separate collective bargaining arrangements in Scotland compared to south of the border. Only in teaching are there already separate unions (although the NASUWT organises north and south of the border). Yet there remains much similarity here in terms of wage structures and associated conditions because of the existence of a Britain-wide labour market. And it should be noted that other than the case with the EIS (which is affiliated to the TUC), Unison and PCS organise these workers already either side of the existing border.

But those public sector workers which would be employed by a new (state) employer would be the majority of those in the civil service. One could foresee a situation, with a state as employer which has its own policy objectives and a different path for national development, where members of existing unions in the civil service may not feel quite so compelled to remain in the same unions as those for civil servants in England. But before this conclusion could be reached, these civil servants opting for cession would have to be of the view that a) their existing Britain-wide union was not prepared to give them sufficient autonomy to be able to deal with the different situation in Scotland[[4]](#footnote-4); b) the labour markets north and south of the border were sufficiently different for civil servants that a common union was of no great benefit; and c) employment law would diverge between the two countries so that Scotland became much more progressive than it was in England. It is hard to see these three conditions being fulfilled, especially as it is not anticipated that an independent Scotland under the SNP would create significantly better conditions for civil servants. So both employer and bargaining structures would diverge but that would not mean that new and different unions would be required, much less be desirable. Indeed, if a union like the PCS has policies – and implements these – based upon resisting neo-liberalism and austerity, then there is no reason to believe that civil servants in an independent Scotland would not also want a union able to have and implement the same policies under a new state.

In addition to the civil servants, the ending of national (i.e., Britain-wide) bargaining in the fire service and universities could be expected. Already there have been longstanding pressures from employers to end this form of bargaining in the universities but a new opportunity would arise with independence. The pressure for ending national bargaining in the fire service has been less marked. Nonetheless, what employers in both sectors wish is to move to forms of regional bargaining (or especially in case of universities sub-national bargaining like cartels of institutions of similar standing) where pay and conditions can either reflect different geographical labour markets and different amounts of resources. Yet the question of whether this would lead to new, separate unions is very much open to doubt for the reasons raised above with regard to the civil service. But in this instance, existing membership of the same unions in the fire service and universities is also likely to be maintained because downward pressure on terms and conditions of employment could arise in either or both England and Scotland. Maintenance of membership of the same union would be a helpful step to resisting such downward pressure

To re-iterate the point made earlier, being in the same union is no guarantee of action as the structure of unions is not the key determining factor. Rather, oppositional consciousness is. That said, there is little prospect when the scenarios are thought through of independence in Scotland either in the public or private sectors occasioning the creation of new Scottish-only unions as a result of cession from existing British-wide unions.

We also need to be aware of the historical experience and precedent. First, the creation of the Irish Free State in 1921 did not prevent unions like the TGWU, MSF, Amicus, UCATT, the TSSA and the NUJ and their forbearers from operating as all-Britain unions. It does not prevent the Unite union – the successor to the TGWU, MSF and Amicus - today from doing so either and the NUJ and TSSA continue to do so too. These unions established structures and processes to allow for sufficient autonomy and resources so that members’ interests could be pursued under their all-Britain structures.[[5]](#footnote-5) The belief in strength in numbers and unity is strength was not torn apart by the creation of the Irish Free State. Second, the last highpoint of truly historic recent working class unity which meant something because it was not only a mass mobilisation but was successful (partially at least) was the revolt against the poll tax. The revolt started in Scotland, with *modus operandi* of revolt and resistanceexported to England. Before this, we can recall the mass mobilisation around the 1984-1985 miners’ strike and before that the various struggles in 1972 including the battle against the *Industrial Relations Act 1971*. So it’s a hard case to argue that the union movement today is in a healthy, vibrant state or on the verge of an upturn in struggle so the sense that the strength or unity (bringing about strength) could be rendered ineffective by the emergence of an independent Scotland is not a convincing one.[[6]](#footnote-6)

**Conclusion**

There are other arguments used too to ward off against the perceived threat of independence such as an independent Scotland would see the peoples of England and Wales subjected to permanent Tory rule as Labour would be deprived of its (former) Scottish Westminster seats and, thus, cast into the unenviable position of permanent opposition. These are outside the scope of this paper to consider. While there is room for some ambiguity as to the exact implications of independence (because they depend on the policies implemented after independence and not upon independence itself), it is clear that the scenario of cataclysm is not an accurate one. Indeed, if it was far more unions would have adopted unambiguous ‘no’ positions than they have. Whatever position unions take and whatever the outcome on 18 September 2014 is, two things are for sure. The first is the still pressing need for unions to establish effective forms of inter-national and trans-national unionism given the mobility and globalisation of capital. The second is that the hold of neo-liberalism and austerity will continue so extensive collective mobilisation of workers will be needed. In this regard, the mass strike of 30 November 2011 stands out as the exception not the rule in Britain in comparison to other European countries.

1. The propositions were ‘That this conference believes that PCS should take no campaign side on Scottish Independence’; ‘That this conference believes that PCS should campaign in support of Scottish Independence’ and; That this conference believes that PCS should campaign in opposition to Scottish Independence’. [↑](#footnote-ref-1)
2. The text from a passed motion in 2013 stated: ‘As a trade union with the responsibility to promote and protect its member’s best interests only one conclusion can be reached. The best interests of Scottish Prison Officers are served in an Independent Scotland and as such this conference encourages the SNC to continue the positive dialogue with this Scottish Government and offer our full support to the `Yes’ campaign in the forthcoming referendum.’ [↑](#footnote-ref-2)
3. The passed motion stated: ‘Conference is aware that the Scottish independence issue is emotive

 and politically divisive and therefore considers that for the Fire Brigades Union to express support for or against Scottish independence would be inappropriate, as this could alienate a significant number of our members and also be potentially damaging to the relationships our Union has with parties and individuals from across the whole political spectrum. Conference therefore concludes that the Fire Brigades Union will remain neutral on this issue and not indicate support for or against Scottish independence.’ Interestingly in 2010, FBU Scotland conducted a poll of 978 of its members where 591 were in favour of independence.  [↑](#footnote-ref-3)
4. The reason why Canadian workers broke away from their international unions (i.e. North American unions) was that - with the bulk of membership of these unions in the USA – they believed that the domination of business unionism in the international unions and insufficient autonomy to the union jurisdictions in Canada were working against their interests. [↑](#footnote-ref-4)
5. Equally, well there remain a number of Scottish-only unions in teaching and Nipsa exists in the north of Ireland for public-sector workers. They are no less effective for being constituted in this way and are not accused of splitting the union movement or the working class. Members of the Scottish teaching unions and NIPSA took part in the 30 November 2011 pension strike. [↑](#footnote-ref-5)
6. If anything, one could hypothetically make the reverse argument, namely, that if union members in Scotland were freer to take further action – like after the 30 November 2011 pension strike – because they were not shackled by the restrictions and inhibitions of union leaderships like that of Unison, they were have been more action and a greater prospect of success. [↑](#footnote-ref-6)