

"THE LONG BATTLE TO DEFEAT COMPULSORY ARBITRATION.

By Janet Jagan.

It all began on May Day 1967 when the Prime Minister in his capacity as President of the Guyana Labour Union and Mr. Richard Ishmael, President of the Trades Union Congress spoke at the traditional May Day rally in Georgetown.

At that time Mr. Burnham announced his intention to introduce Compulsory Arbitration. He said that while his government was a 'friend' of the workers, it could not allow the growing number of strikes to go unheeded and therefore was preparing legislation to enact Compulsory Arbitration whose "decision will be binding and during the hearing or investigation by the Tribunal neither side may legally go on strike or stage a walk out." He further stated that his government had the assurances of the TUC and CAGI that they agreed in principle to the introduction of legislation for Compulsory Arbitration.

The Consultative Association of Guyanese Industry Ltd., an employers' body, met the Prime Minister on April 27, 1967, at the Prime Minister's request. At this meeting Mr. Burnham outlined his views on the need for an Arbitration Tribunal with powers to resolve disputes by final and binding decisions. He indicated that if either party approached the Tribunal, there should be no strike or lockout.

It is not known exactly when the TUC had discussions with the Prime Minister, but the results of this discussion were made known on May Day when it was also announced that the Government and the TUC had agreed to the introduction of the Closed Shop, also known as the Agency Shop.

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It was thus interpreted at the time that a "deal" had been made between the government and the TUC — that the TUC would support Compulsory Arbitration in return for the Government's support of the Closed Shop. This announcement was made against a background of frequent references by the Government to the growing number of strikes. The Government had reported that in 1966 there were 172 strikes, 108,639 man hours lost and \$700,000 lost in wages.

J. Henry Thomas, then Minister of Economic Development said in 1965: "A National Economic Council will be set up shortly and among other things, the function of the Council will be to curtail strikes and the threat of strikes now taking place in the country." Thus, it seems, plans for Compulsory Arbitration had been made well before the 1967 announcement.

The danger of the Compulsory Arbitration agreement was challenged almost immediately by the P.P.P. Opposition Leader Dr. Cheddi Jagan when, on May 2, 1967 at PIn Lusignan he declared that "while the Government said it would not introduce an Industrial Stabilisation Act like in Trinidad, there was very little difference in a compulsory arbitration act". He told the workers: "While Ishmael is saying they will oppose any anti-labour act, Mr. Burnham has said his Government already has the assurance of the TUC and CAGI that they agree in principle to a Compulsory Arbitration Act. The Compulsory Arbitration Act and the Trinidad Industrial Stabilisation Act are the same and will have the same effect," he said.

Speaking further, Dr. Jagan said that the strike was the legitimate weapon of the worker... the right to withhold his labour to enforce his demands. At the same time he gave a prophetic warning that the Government will be trying to muzzle the workers. "The Government will try to make incursions into your rights and liberties.... I urge you to engage in struggle everyday, whenever your rights and liberties are threatened."

And to keep the historical records straight, it is important to record that the People's Progressive Party on May

6, 1967 issued a statement: "There has been a chorus of approval of the Prime Minister's proposals on May Day for compulsory arbitration, which he has proposed as a means of reducing the growing number of strikes in Guyana. The approval comes from various quarters including the Trades Union Council, the employers' association and sections of the press. Mr. Ishmael, President of the TUC, has stated categorically that the TUC will never permit any anti-strike legislation and will resist any effort to introduce laws similar to the Trinidad Industrial Stabilisation Act.

"In spite of all these noble declarations, the fact remains that the proposals of the Prime Minister, although not as yet clearly defined, give the general impression that the end result of the legislation he has in mind will lead to the destruction of the right to strike.

"The Prime Minister is yet to give details of how his proposed compulsory arbitration will work. An important question will be — are unions permitted to go on strike and then, if they wish, to opt for arbitration? Or does the Prime Minister propose that there can be no strike whatsoever in the beginning and the matter under dispute must first go to arbitration; and then if the workers are not satisfied with the results, they may then strike? We ask these questions, because they are basic to the issue of whether or not the workers' right will be denied.

"We would ask the Trades Union Council to consider, if they have not done so already how the proposed legislation which they already support will affect the right for sympathy strikes. This is a very fundamental point, and is basic in all rights inherent in having the freedom to organise into trade unions."

The P.P.P. then recalled the Essential Services Act and the earlier opposition expressed by Mr. Burnham and some leaders of the TUC who called for its repeal. "How do they reconcile their former stand with their new position calling for compulsory arbitration for all workers?" the statement asked and closed with this stern warning: "WE ISSUE THE WARNING THAT THE GOVERNMENT, WORKING

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IN DEVIIOUS WAYS WITH CERTAIN TUC LEADERS, IS PREPARING TO DENY THE WORKERS THEIR FUNDAMENTAL RIGHTS."

In October 1967 the Department of Labour sent the proposed bill in draft form to CAGI and the TUC. The draft bill was classified as secret and remained so classified until it was published in the Official Gazette on March 18, 1969.

Thus, in the period from May 1, 1967 to March 18, 1969, a period of almost two years, only top government personnel, the employers' association and the TUC knew the actual contents of the bill. The full details were not known to rank and file trade unionists until much later, although a 'leak' to the *Sunday Chronicle* of October 22, 1967 gave an indication of the terms of the draft bill. And it was with this information that the People's Progressive Party further confirmed its prediction that the right to strike would be destroyed.

Because of the rising attacks on the proposed legislation spearheaded by the People's Progressive Party, the Government tried to soft-peddle the proposal in the Speech From the Throne in 1967. Under the section on Labour and Industrial Relations, it was stated — "My Government is convinced, as has been previously announced by Ministers, that measures should be taken to provide the machinery for improving industrial relations. After a careful examination of the situation, the Government has concluded that anti-strike legislation is neither appropriate to our conditions nor likely to improve industrial relations. After consultations with the workers and employers' organisations, it has therefore been decided to introduce legislation to establish an Arbitration Tribunal to which recourse may be voluntarily made by either side. While any matter so referred to the Tribunal is under consideration, neither worker nor employer may take any action involving a strike or lockout."

This reference to "voluntary use of an arbitration tribunal" was immediately attacked by the PPP when at a Bourda Green meeting on October 29, 1967, the then General Secretary; Janet Jagan, declared that the Arbitration Bill was a trap: "Whether they call it compulsory or voluntary it adds

up to the same thing — it would take away the workers right to strike.”

She then went on to say: “It is up to the workers to decide whether they would allow themselves to be chained to the Bill or fight against it. The Bill aims at taking away what Nathaniel Critchlow had fought for and won for the workers of this country — the right to strike.” And she further advised that the workers be allowed to examine the Bill (which was classified as secret) and be allowed to express to the trade union leadership their views. “And we in the PPP pledge our support to the workers to fight against the Bill in all forums and by all means, and call upon all workers to wake up and join in the right to safeguard what little freedoms still remain..”

On November 11, 1967, the PPP issued another statement based on certain clauses of the Bill which had been published in the “Sunday Chronicle”. It stated: “In the British Trade Disputes Act of 1906, the right to withhold labour as an individual or collectively was achieved after long years of struggle by the trade union movement. This same legislation which applied to our country is now, 61 years later, being fundamentally altered in the Trade Disputes Bill, 1967, which has been circulated by the Guyana Government to the T.U.C. and C.A.G.I.

Although the Government has not had the courtesy to consult the Opposition on this fundamental and basic piece of legislation, it is already known that the Trade Disputes Bill intends to control strikes. The original intention of the Government was to introduce Compulsory Arbitration and this was announced by the Prime Minister on May Day last. We were informed in a Speech from the Throne later this year that the proposal to introduce Compulsory Arbitration was altered to Voluntary Arbitration.

However, it appears that the Trade Disputes Bill, in reality, is Compulsory Arbitration, for it

1. Establishes an Industrial Court which may make binding awards in trade disputes referred to it by the Minister responsible for labour;
2. It provides for the report of trade disputes to be

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made to the Minister who may refer the matter to the Industrial Court;

3. Prohibits strikes and lockouts arising out of disputes referred to the Industrial Court.
4. Penalises persons who threaten, counsel, incite, call, declare or promote a strike or lockout prohibited by order of the Minister or arising out of a dispute referred to the Industrial Court.

The interesting and certainly vital section of the Bill allows for any trade dispute, whether existing or apprehended, to be reported to the Minister of Labour by or on behalf of any party to the dispute.

These clauses appear to seal off completely the right of workers to come out on strike on any issue and to remain on strike, once the matter has been reported to the Minister of Labour and once the Minister of Labour refers the dispute to an Industrial Court.

It is understood that this most vital piece of legislation which involves the whole future of the trade union movement is not being discussed at the broadcast level by the rank and file members through their union branches. The Trade Disputes Bill is so fundamental to the rights and privileges of all workers that for it to be restricted to a small hierarchy of trade unionists for decision-making is highly immoral. This should be resisted at all costs and rank and file trade unionists must display initiative and resourcefulness in demanding their rights.

The PPP pledges to support all trade unions and workers in their efforts to resist this legislation which will prohibit the right to strike. Those who will sell out the rights of trade unions won through years of valiant struggle have no place in the trade union leadership and those who fear to resist this dictatorial move, will eventually have to face up to the consequences. The P.P.P warns that this is but the beginning of more and more repressive acts, should it not be resisted and defeated.”

The reactionaries were not slow to raise their voices in support of legislation to prohibit strikes. The Archbishop

of the West Indies. Alan Guyana, in the August 1968 issue of the *Diocesan Magazine* expressed his opinion: "...the fact remains that the strike should be the very last weapon to be used, and only when all else has been tried and failed. The new and growing Guyanese nation cannot allow strikes to weaken its economy and impede its progress. Some other solution must be found, found quickly and if necessary, ruthlessly imposed. We just cannot afford to have frequent stoppages".

The *Catholic Standard* also, in 1968, took a similar stand and called for legislation similar to the Trinidad Industrial Stabilization Act.

The President of the Berbice Chamber of Commerce added his voice to those calling for legislation to outlaw strikes.

The *New Nation*, official organ of the People's National Congress, in a page one comment on October 22, 1969 by "Micro", a leading PNC member who has since left the party noted that the "State must limit areas of industrial dispute" and that workers will 'jump' at the opportunity to have their problems referred to an Industrial Court, promising that workers can look forward to "the certainty or having disputes settled".

"Micro" also worried about the fact that the capitalists cannot make profits if the workers strike. Apologizing for the Prime Minister's decision to introduce Compulsory Arbitration "Micro" wrote: "The decision to introduce legislation to make possible conciliation or arbitration to be relied on by employers and employees was taken against the unsatisfactory state of affairs that prevailed during last year. This year's performance in this connection is not better...in fact it could be considered worse."

The position of the Trades Union Congress from the time of the announcement on May Day 1967 has been ambiguous and vacillating, until 1970, when it apparently took a firm decision to reject totally the Trade Disputes Bill. With the positive information that the TUC, along with CAGI, were given draft legislation in October 1967, it is difficult to comprehend why it took the TUC three full years to re-

ject the legislation, which was clearly anti-worker and anti-strike.

At one time, Mr. J. H. Pollydore, General Secretary of the TUC addressing the first annual conference of the Communications Workers' Union said: "These employers take every opportunity of referring to unions and workers as irresponsible and in this way seek to lay the foundations of industrial unrest, at the same time agitating for government to pass legislation designed to curb strikes called by the unions."

Yet, a year later, speaking at an opening at the Critchlow Labour College of a five day workers' seminar, Mr. Pollydore categorically declared that the move towards the implementation of legislation for an Industrial Arbitration Tribunal was the result of consultation between the trade union movement and the government. He said: "This is not an imposition by the Government but the decision has been reached after consultation; because we are working in partnership with Government to achieve our national objective" (Guyana Graphic, January 19, 1968).

With evident vacillation only three months after this statement the TUC expressed disagreement over the terms of the draft legislation. The "Labour Advocate" carried an item on March 24, 1968 stating that "the TUC, after careful study of the Bill could not agree to the draft legislation in its present form."

The news item further stated that the Executive Council of the TUC had met the Prime Minister to express the TUC's views on the Bill. It had also had a number of meetings with the Minister of Labour. The *Labour Advocate* statement noted: "It is understood that the TUC is unhappy with certain powers being placed in the hands of any Minister of Labour and is against many of the penalty clauses of the Bill. When the TUC met the Prime Minister in April of last year (1967) the executive had requested a simple form of arbitration to be set up in order to expedite the settlement of grievances and to reduce the number of unnecessary strikes."

However, it appears that the Prime Minister and the

Minister of Labour did nothing to meet the objections of the TUC, for the Trade Disputes Bill was published in its original form in the Gazette of March 18, 1969.

The *Chronicle* of March 23, 1969 recorded that the TUC had appointed a team headed by TUC Vice President Andrew Jackson to draft a new Bill. At that time, TUC General Secretary Joseph Pollydore stated: "It is not the TUC's view that a confrontation will develop between Government and the TUC over the Trade Disputes Bill, 1969, because the request for legislation emanated from the TUC". He also said: "Our general point of disagreement, however, is that the bill has incorporated features which were not part of our representation. Consequently the areas of disagreement will have to be resolved."

Even at that stage, the TUC did not seem to be ready to openly oppose the Bill despite its own admission that the Bill was contrary to its original recommendations and despite a number of efforts to change the draft legislation before it was published.

A month later, on April 4, 1969 a press report appeared which stated that the Jackson Committee, in preparing its draft Trade Disputes Bill, had made modifications to several of the provisions and had provided for the workers to participate in strikes. The press report stated: "An informant said that although the Jackson draft was not what most of the workers would expect, it was, nevertheless, more acceptable than the government's".

A year and a half later, in November 1970 the TUC at its Seventeenth Annual Delegates Conference finally abandoned all efforts to draft new legislation which could be acceptable to the Government and came out with a clear rejection of the Trade Disputes Bill.

Immediately after this decision, the Minister of Labour announced his Government's intention to proceed with the Bill. The PPP on November 7, 1970 issued the following statement on this development:

"The People's Progressive Party warmly congratulates the Guyana Trades Union Congress on its unanimous rejection of the Government's anti-working class Trade Disputes

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Bill. At the same time we hasten to add our condemnation of the callous statement by the Minister of Labour that his government will proceed with it.

Government's decision to force the Bill through gives cause for national concern and alarm. Why must it want to shackle the workers by this hated piece of legislation?

The Trade Disputes Bill is openly hostile to the workers and the trade union movement. Its essence is to make the strike weapon illegal — an asset which the workers have fought for and won after long years of hard struggle with their own blood.

If the Bill is made law it means that everyone who threatens, counsels, incites, organizes, calls and takes part in or promotes a so-called unlawful strike is guilty of an offence and is liable on conviction to a fine of \$500 or to six months' imprisonment, or both a fine and imprisonment. And according to the Bill too, a strike includes a "go-slow", a "sit down strike", abstention from work by a body of workers, a refusal under a common understanding to accept employment; or any concerted interruption of work.

The Trade Disputes Bill means that whatever the grievance of the workers — no matter how serious, they cannot strike, once the employers request that the grievance should go to arbitration. At present, a matter only goes to arbitration with the workers' consent. If the Bill is passed there will be compulsory arbitration — the worker cannot object, he cannot strike — he can be fined and jailed for so doing.

The PPP sees this proposed piece of legislation, and indeed it is, a weapon to be placed in the hands of employers to eliminate workers' protests against miserable working conditions, low wages and exploitation. The government's decision to proceed with the Bill against the wishes of the TUC means war against labour.

We wish to pledge our unstinted and unswerving support to the Guyana Trades Union Congress in their fight against this offensive Bill. We also call upon all workers in Guyana, within or outside the PPP and the TUC, to close ranks

and in a broad alliance wage an unceasing battle to prevent the passing of the obnoxious Trade Disputes Bill."

In the TUC General Secretary's Report to the Eighteenth Delegates Conference held in September, 1971 it is recorded: "The Minister of Labour was informed by letter dated 18th November, 1970 of the decision taken by the Seventeenth Annual Delegates Conference rejecting the draft Trade Disputes Bill. Delegates in rejecting the draft bill expressed very firm views that it contained anti-strike provisions; that the law would not improve industrial relations, and that it would cause recurrent conflicts in the relations between the trade unions and Government. The decision of Conference was not meant to be an affront to Government's authority, and I feel sure it was the hope of all delegates that the Government would not apply such interpretation to it.

Apart from the fact that no democratic Government with genuine socialist objectives would consciously enact laws that would abolish or even abridge an important fundamental right — such as the right to strike, the government itself by now must be convinced of the utter futility of enforcing anti-strike laws as a means of improving industrial relations or increasing productivity".

Even this final rejection is couched in compromising, servile terms and in no way has condemned the Government for attempting to introduce anti-strike legislation or for betraying certain promises made to the trade union movement.

In 1969 the Ministry of Information issued a booklet entitled "In Support of Industrial Peace", a statement by the Minister of Labour, Winslow Carrington, on the Trade Disputes Bill. In the 15 page document, he sought to justify the Government's position on the Bill saying — "The Trade Disputes Bill, far from being anti-strike or anti-union, will in a very real way ensure a balance of power between management and trade union."

"There is nothing unusual, nothing suspicious and nothing without precedent in the Trade Disputes Bill. Almost every advanced industrial society in the rest of the democratic world has similar labour legislation", he said.

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And it is made clear that the Government has refused to consider the counter proposals made by C.A.G.I. and the TUC — "it should be clear . . . that the Government cannot allow fundamental changes in the provisions of the Bill in order to include alternative proposals which would make the Bill unworkable and ineffective . . . It cannot be said that the Government has not given ample time to all concerned to state their views and it cannot be said that the Government has not given ample consideration to all the views put forward. It must however be appreciated that in the final analysis it is the responsibility of the Government as representatives of the people to introduce legislation that will serve the interests of the entire nation and not just one section or one faction".

Thus spoke one of the former TUC leaders in rejecting the views of the organisation he once led.

Apparently the Government has now decided not to pursue its intention to pass the Trade Disputes Bill because of the growing hostility it is facing from the working class. Recent events on the waterfront, intense dissatisfaction of bauxite workers over the RILA issue, the recent Constabulary strike and growing economic problems may have cautioned the Government on its anti-strike intentions, although it is not impossible for the Government still to go ahead with it.

What finally brought the TUC to its final rejection of the Bill? The pressure exerted by the People's Progressive Party at every conceivable level to oppose the iniquitous Compulsory Arbitration legislation eventually forced the TUC to take a principled stand. The PPP publicised the anti-strike intentions of the Bill widely and persistently, so forcefully that many affiliate unions as well as rank and file trade unionists soon realized what the government was up to. They began putting pressure on the TUC hierarchy which, in the early stages, had not informed member unions of the contents of the draft legislation.

Mr. Bolton of the National Union of Public Service Employees was reported in the *Evening Post* of October 27, 1967 as stating that he charged the Trades Union Council for adopting a "dictatorial attitude" in not circulating the draft

legislation to affiliated organisations. He said: "The TUC should get it straight that the legislation is directly concerned with registered trade unions and must circulate copies of the draft to affiliated unions for study so that the unions would be familiar with this vital question in the future".

Mr. Herman Cyrus of the Medical Employees Union said: "It is my view that the TUC should circulate the document to affiliates so that the executive councils of the unions could discuss it and give their delegates on the General Council (of the TUC) a mandate".

Mr. Alexander Perry of the General Workers' Union said: "We should have a voice in the forming of any law of this country which should not be left to the whims and fancies of a few people and have it poked down our throats".

In the period from 1967, when the May day announcement was made, and onwards, the PPP denounced the government's intention to destroy the right to strike at hundreds of public meetings throughout the country, in the National Assembly, in handbills, articles, press statements and posters. One poster which had a tremendous impact illustrated a choke and rob attack with the words "Don't Choke and Rob Workers of the Right to Strike — Voluntary Arbitration is a trap for the worker. OPPOSE Arbitration Tribunal".

Many of those who today are protesting the denial of civil liberties did not recognize the signs leading up to the present position. The People's Progressive Party as the vanguard party in Guyana, quite correctly took a clear and unequivocal position on the Compulsory Arbitration issue as well as many other acts of the Government (National Security Act, election rigging, detentions, police raids, denials of passports, etc.) at the very beginning and led the struggle against such monstrous acts.

It is clear that had the PPP not set the pace in the campaign to fight Compulsory Arbitration, no doubt it would have been law today.