Employee Relations

The changing pattern of UK strikes, 1964-2014

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Abstract

Purpose – The purpose of this paper is to provide an overview of the changing strike activity in the UK over the last 50 years.

Design/methodology/approach – The paper draws on a wide literature on UK strikes and an extensive trawl of newspaper sources. It is divided into four main sections. The first two summarise, in turn, the changing amount and locus of strike activity between 1964 and 2014. The third discusses the changing relationship and balance between official and unofficial strikes. The last covers the role of the courts and legislation on strikes, highlighting some key moments in this turbulent history.

Findings – The period 1964-2014 can be divided into three sub-periods: high-strike activity until 1979; a transition period of "coercive pacification" in the 1980s; and unprecedentedly low-strike activity since the early 1990s. Unions were more combative against the legislative changes of the 1980s than they are normally given credit for.

Research limitations/implications – Given its broad scope, this paper cannot claim to be comprehensive.

Originality/value – This is a rare study of the changing nature of UK strikes over such a long time period.

Keywords UK, Collective bargaining, Trade unions, Strikes, Ballots, Injunctions

Paper type General review

Introduction

There is no such phenomenon as a typical strike but differences between strikes at the beginning and end of our period are informative. On 3 January 1964, some Manchester dockers were offered extra money to unload unsafely stowed cargo. The Transport and General Workers' Union (TGWU) advised them to accept; they demanded more, which was refused, so they walked out, calling on others to join them. Some 2,000 dockers were now on unofficial strike, stopping the unloading of 17 ships. On 9 December 2014 the Fire Brigades Union (FBU) started a 24-hour strike against an imposed pension scheme that required a significantly increased retirement age. This was its 48th official strike – ranging from one hour to four days in length – on the issue since September 2013.

The dockers' strike was unofficial and against union advice; it was extended by sympathy action and no notice was given. The firefighters' action was official (requiring a postal ballot, by law), one of a series (with seven days' notice before each walkout) throughout England (the previous ones also covered Wales), and concerning pensions. Both would be classified as about pay; and the FBU strikes (which continued into 2015) would count as only one strike for statistical purposes, the same as the dockers'.

While firefighters, part of the "uniformed working class", had taken industrial action on a national scale in the "spit and polish" demonstrations of 1951 (resulting in victimisations and mass disciplinary sanctions), they did not strike until 1973. This Glasgow strike was opposed by the FBU leadership which removed the area committee from office. But its success paved the way for a long national strike just four years later

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(Bailey, 1992), after which strong traditions of national and area strikes have been established. The opposite trajectory has seen the strike capability of the dockers, a strike-prone group, shattered by rounds of redundancy caused by the spread of containerisation. Their combativity held up until the abolition of the statutory National Dock Labour Scheme in 1989, accompanied by the dismissal of all the shop stewards at Tilbury (the last remaining docks on the river Thames), and the ending (in 1998) of the fight against the sacking of most Liverpool dockers in 1995. In 2012, small strikes started again at Tilbury, and in 2014 some 24 dockers struck against zero-hours contracts.

Four interrelated features dominate the past 50 years of strikes: there are now far fewer of them; their main locus has shifted from coalmining and manufacturing to the public services and privatised utilities; unofficial strikes are no longer the dominant form; and whereas legislation and the courts tended not to interfere with strikes, the opposite is now the case. These features will be considered in turn in this brief review.

Strike contours

The 50 years can be divided into three phases. During 1964-1979 the annual number of strikes (according to government statisticians) generally fluctuated between 2,000 and 3,000. The 1980s constituted a transition, from a high to a historically very low level of all three main indicators (numbers of strikes, strikers and "days lost"). Since 1992 there have only been between 100 and 250 strikes per year.

Strike numbers from 1964 masked two distinct trends: the continuous fall of coalmining stoppages from their peak (at over three-quarters of the total in 1956-1957); and the rise of strikes elsewhere, mainly in manufacturing but also in transport, to reach 3,906 in 1970. The Donovan (1968) report was particularly concerned with this latter transformation. Strikes that were unconstitutional (in breach of a disputes procedure) and unofficial (not recognised by the union) were viewed as the British industrial relations problem.

Political and academic interest changed during the 1970s as the effects of incomes policies, especially restrictive in the public sector, and the private-sector bargaining reforms promoted by state agencies from the mid-1960s, deposited two thin strata on the underlying "bedrock" (Edwards, 1982, p. 14) of unconstitutional and unofficial strikes: a small number of highly visible large official national strikes, mainly in the public sector, and some (occasionally very long and often official) "post-Donovan" plant-wide strikes in manufacturing. The fluctuations in strike numbers were intimately connected with economic factors (rates of rise and fall of unemployment and price-wage relationships) and government intervention in pay bargaining (Hyman, 1989).

From 1980 the biggest economic recession for 50 years saw a rapid step change down in strike numbers and then free fall after 1984. The 1980s have been depicted, in Hyman's memorable phrase (1989, pp. 199-200), as the years of "coercive pacification" when employers "exploited the new opportunities to challenge the former balance of power […] sometimes brutally, sometimes with sophistication". This was compounded – under an unexpected four consecutive Conservative governments (1979-1997) – by six statutes (from 1980 to 1993) progressively narrowing what constituted a lawful trade dispute. It was aptly described as "class struggle from above" (Miliband, 1989, pp. 121-126).

From 1992 the annual number of strikes has been lower than at any time since 1893 (when a consistent series of statistics was started). Strike trends are usually discussed through "working days lost" (number of strikers multiplied by number of days

on strike). This indicator is distorted by very large or very long disputes. Since 1990 there have been few such prominent strikes, resulting in the lowest levels of days lost since 1893. In only four years during 1991-2014 were there over one million days "lost" in strikes – 1996, 2002, 2007 and 2011. From 1893 to 1990 there had been only two years when there were fewer than one million days lost. The low number of workers "involved" in strikes in most years from 1990 to 2005 was not unprecedented; since then, a series of one-day stoppages across the public sector has increased the numbers striking.

Most strikes are short. In the mid-1960s about one-third lasted one day or less. This fell below 20 per cent during the second half of the 1970s, but since the end of the 1980s around half of all strikes every year has lasted one day or less. During the 1970s, an annual average of 984 strikes lasted more than five days; since 2002 only 60-70 strikes per year have lasted more than even one day, with a serious decline in their social visibility. Table I divides 1964-2013 into eight sub-periods with similar levels of strike activity.

Academic work has reflected the collapse in strike activity. The standard Warwick-edited volume (Edwards, 2003) dropped its chapter on strikes, substituting a few pages in its trade union chapter. Its successor (Colling and Terry, 2011) covered strikes within discussions of collective bargaining – epitomised by Edwards's (1995, p. 456) view that strikes are "the continuation of bargaining by other means" – but abandoned any statistics. While the first three Workplace Industrial Relations Surveys contained chapters on industrial action, the fourth had only two pages. In summarising these surveys, Millward *et al.* (2000, p. 177) made the, almost unitary, argument that "Industrial action is the most direct, *albeit negative*, means by which unions can exert influence" (added emphasis) before concluding that "Unions with strong negotiating power should *never* have to resort to industrial action" (added emphasis). This second comment abandons more than a century of industrial relations thinking and is on a par with the public utterances of Ed Miliband, when Labour Party leader, that "strikes are always a sign of failure" (as in *The Times*, 2011).

Changing locus of strike activity

Aggregate strike figures hide different sectoral and industrial trends. In 1964, coalmining still recorded more strikes than manufacturing, which then dominated until

	Number of strikes[a]	Workers involved	Working days lost
1964-1967	2,233	759,000	2,597,000
1968-1974	2,846	1,684,000	11,703,000
1975-1979	2,310	1,658,000	11,663,000
1980-1984	1,351	1,298,000	10,486,000
1985-1990	838	702,000	3,600,000
1991-1996	244	226,000	656,000
1997-2001	192	145,000	357,000
2002-2014	131	514,000	702,000

Notes: [a]Number of strikes beginning in year until 2001. From 2002, number of strikes in progress in year

Sources: 1964-1990 (Lyddon, 2007, p. 340); 1991-2006 (Lyddon, 2009, p. 318); 2007-2014 (Office for National Statistics, 2015)

Table I. Annual average strike activity, 1964-2014

the mid-1980s. In 1986 and 1987 the primary (mainly coal), secondary (manufacturing) and tertiary (services) sectors had almost equal numbers of strikes. This transition point comprised three distinct trajectories: the brief upsurge of coal stoppages as miners faced down a more aggressive employer after the defeated 1984-1985 strike; the free fall of manufacturing stoppages from the mid-1980s; and the rise of strikes in the public services (especially central and local government and education). Mining strikes were to disappear as collieries shut and manufacturing stoppages have shrunk to near invisibility, leaving the "tertiarisation of industrial conflict", an international phenomenon (Bordogna and Cella, 2002). In the UK, mail and post-privatisation rail became the most important sites of manual workers' strikes, with the public services the equivalent for "white-collar" and "professional" workers. Table II charts the changes until 2006 (more recent information is less precise). The distribution of strikes during 2007-2013 is roughly similar to the immediately preceding period, except that total manufacturing strikes have halved and coalmining has none.

The most strike-prone industries in the 1960s and 1970s (coalmining, motor vehicles, shipbuilding and the docks) were characterised by highly fragmented bargaining, fluctuating earnings and significant bargaining opportunities (Clegg, 1979, p. 277). They were all "subject to radical product market restructuring in the 1980s, involving massive job loss and major changes in working practices; the tactical use of court injunctions by employers undermined some of the more important strikes in resistance" (Lyddon, 2007, p. 340).

The sharp drop in strike numbers from 1979 to 1980 was particularly concentrated in manufacturing. Extensive plant closures and job loss in the early 1980s were accompanied by significant short-time working and a halving of overtime working, reflecting a collapse of product markets. The next drop in manufacturing strikes, from 1984 to 1985, had two likely causes. First was the (negative) "demonstration effect" where "each defeat discourages others from the risk of a strike" (Hyman, 1989, p. 226). This was writ large with the ending of the miners' strike in March 1985. Second was the impact of the Austin Rover strike débâcle in November 1984 when court injunctions split the unions' unity (the strike ending in disarray), affecting several key manufacturing unions, and creating its own demonstration effect.

There had been a long gestation period before strikes took place in most public-service occupations. The National and Local Government Officers' Association

	MESV	Other manufg	CTD	Constn	Coal	Public services	Other	Total
1964-1967	810	215	218	251	686	21	40	2,233
1968-1974	1,355	486	421	257	202	75	58	2,846
1975-1979	966	457	263	211	277	98	67	2,310
1980-1984	421	237	204	57	288	123	37	1,351
1985-1990	203	98	157	24	199	164	13	851
1991-1996	54	24	48	10	10	101	8	253
1997-2001	28	12	86	14	1	57	8	199
2002-2006	16	14	45	3	1	55	8	137

Table II.
Annual average number of strikes by broad industry group, 1964-2006[a]

Notes: MESV, metals, engineering, shipbuilding and vehicles; CTD, communication, transport and distribution; Constn, construction. [a]Number of strikes beginning in year until 1984. From 1985, number of strikes in progress in year

Sources: 1964-1990 (Lyddon, 2007, p. 340); 1991-2006 (Lyddon, 2009, p. 318)

(NALGO) adopted a strike clause in 1961 but held no official strike before 1970. Like most public-service unions it had been reliant on the extensive arbitration arrangements of the 1940s and 1950s. The 1961 "pay pause" forced the Civil Service Clerical Association to eventually institute a strike policy (in 1969) and exercise it (as the Civil and Public Services Association, CPSA) in 1970. NALGO and the CPSA adopted policies of selective and sectional stoppages with strike pay. By the late 1970s the CPSA disputes committee was receiving "two or three requests every week" to take industrial action, while in 1977 and 1978 the NALGO emergency committee supported industrial action in 181 cases (Lyddon, 1998). Both unions were mindful of McCarthy's (1964, pp. 114-115) "problem of strike solidarity" whereby a group of workers' reliance on strikes (rather than arbitration) almost inevitably required a closed shop; the absence of sufficiently high membership would limit the likelihood of all-out service-wide strikes and restrict the length of any that occurred.

Public-service manual workers also started taking action over pay in the 1960s and early 1970s. Postal workers followed a 1964 one-day strike with a long 1971 national strike. Unofficial action by London dustmen in 1969 led to official national action on a selective basis 12 months later. These workers were becoming "more willing to imitate the example of the apparently more successful strike-prone groups" (Durcan *et al.*, 1983, p. 414), a (positive) "demonstration effect". Hospital ancillary workers took unofficial action prior to a national one-day strike against the 1972 pay freeze. Further action in 1973 unleashed a developing militant spirit through the rest of the 1970s, culminating in the so-called "Winter of Discontent", when hospital ancillaries and local authority manual workers took extensive selective action. Shepherd (2013, p. 2) evokes the "familiar compilation of iconic media images and popular memories" as "mountains of uncollected municipal rubbish […] union pickets at hospitals blocking entry to medical supplies and […] the refusal of the Merseyside gravediggers to bury the dead". But gravediggers' strikes and mountains of rubbish, for example, had occurred in the 1969 and 1970 local authority strikes without heaping any opprobrium on the strikers at the time (Lyddon, 2015a). The Conservative Party has, ever since, assiduously cultivated the "myth" of the Winter of Discontent, which has grown over time (Martin López, 2014).

Following large-scale strike action in the National Health Service in 1982 (with the first common pay claim), the government introduced a pay review body (PRB) covering nursing staff, midwives and health visitors in one group and professions allied to medicine in another. After their even more extensive strike action from 1984 to 1987, school teachers' collective bargaining over pay was abolished by statute, a PRB being set up in 1991 with the understanding that teachers "will not in future take industrial action about matters within the Review Body's ambit" (White, 2000, pp. 82-86). If they did, individual unions would be excluded, a threat made to the health unions in 1983. This kept the peace at national level until 2008 when the National Union of Teachers struck nationally over pay but was not excluded from the PRB's constituency.

"Reform" of public-service pensions has galvanised public-service unions over the last ten years. In 2005 a "co-ordinated" strike by seven unions was called off weeks before the general election. A threatened larger strike in the autumn forced the Labour government to compromise over three pension schemes. A strike by 11 local government unions in 2006 effected another compromise. The Coalition government restarted pension "reform", leading to one union striking in March 2011, joined by three others in June, and a mass strike on 30 November 2011. Some 2.5 million union

members were balloted, with 21 affiliates of the Trades Union Congress (TUC) and 11 other unions participating in a "co-ordinated" strike, some for the first time ever, others for the first time in decades (Lyddon, 2015b).

The 2006 and 2011 pensions strikes involved more women workers than any previous UK strikes – of 3.8 million public-sector union members just over two-thirds are women (BIS, 2014). While the 2011 dispute gained only limited concessions from an obdurate government, it inspired the public-service pay stoppages of 2014, which involved the Royal College of Midwives (RCM) in its first-ever strike. The much larger Royal College of Nursing (which, along with the RCM, had abandoned its no-strike policy in 1995) is now the last (albeit non-TUC) major union never to have had a strike.

Official and unofficial strikes

On average, some 95 per cent of recorded strikes were unofficial through the 1960s and 1970s, an underestimate due to under-recording of strikes that met the criteria for inclusion in government statistics (many small or short strikes were excluded by definition). A survey suggested government statistics picked up only 62 per cent of eligible strikes (but almost all "days lost") in manufacturing in the mid-1970s, while total stoppages were several times higher than the published figure (Brown, 1981). The number of official strikes included "partly official" ones, where not all unions involved made them official (Donovan, 1968, para. 369). In another 5-10 per cent of strikes in the mid-1960s, some form of dispute benefit or *ex gratia* payment was paid without prior approval but most were too short to come to unions' notice or, if they did, qualify for strike pay. Eldridge (1968, p. 68) termed "quasi-official" those "unofficial strikes which at some stage, either before or after the event, would be regarded as justified by the official union hierarchy".

The Donovan (1968, para. 440) report argued that the growing number of unconstitutional strikes was "more serious than the occasional official strike". Donovan's solution was "remedying the underlying causes" by reforming the institutions of collective bargaining. McCarthy (1992, p. 65) was later to emphasise "the continuing impact of Donovan-style bargaining reform" (along with employment losses in the most strike-prone industries) as an important factor in the decline of strike numbers from their peak.

While unions would only occasionally back unconstitutional strikes, on four occasions some unions "officialised" strikes at Ford that were not only unofficial but blatantly in breach of existing agreements. The first was the female sewing machinists' strike in 1968 that led to the 1970 Equal Pay Act. The strike against "penalty clauses" in the 1969 pay agreement forced the "resignation" of a senior TGWU official, who refused to change his position, and led to a court case, which Ford lost, confirming that collective agreements were not legally binding on the collective parties. In 1971 and 1978, unions had little alternative to "officialising" large strikes against company pay offers a month before existing agreements ran out. Ford, facing a series of pay-related unofficial sectional strikes in 1974, when inflation was rising rapidly, offered to scrap its existing pay agreement five months early and negotiated a new deal.

From September 1984 the law required ballots (usually at the workplace) for unions to retain some legal protection for official strikes. But unofficial (now meaning unballoted) stoppages still featured in the build up to official action. For example, they accompanied pay negotiations at Ford from November 1987. In January 1988 the unions held mass meetings immediately prior to workplace ballots (common in well-organised workplaces); another unofficial walkout preceded the official strike.

A strike of the whole Vickers shipyard workforce at Barrow started unofficially and a mass meeting agreed to hold secret ballots (by each union) but stay out while they took place (Marshall, 1989).

A government Green Paper cited high-profile unofficial strikes as evidence of this "major and long-standing problem in industrial relations" (Employment Department, 1989, para. 1.15). It drew attention to their proliferation in the Post Office letters division (now Royal Mail) and how unions used unofficial action. In a provincial newspaper dispute, the courts had stopped a print union taking "blacking" (i.e. boycotting) action, but a full-time official and branch officials had encouraged it "by nods, winks, the turning of blind eyes and similar clandestine methods" (Employment Department, 1989, p. 5). Such arguments were used to justify the Employment Act 1990, which required unions to "repudiate" unofficial strikes, in writing. Unofficial strikers could now be selectively dismissed with no right to claim unfair dismissal and unions could not ballot for official strikes in support of dismissed unofficial strikers. As three-quarters of strikes in the late 1980s were still unofficial (Employment Department, 1989, para. 1.6), the collapse in strike numbers was clearly mainly of unofficial ones. The further decline in strikes in the early 1990s was partly due to the recession (with unemployment rising through 1991 and 1992), not the operation of the 1990 Act.

As unofficial strikes fell away, the small number of official strikes became more prominent. This led Undy *et al.* (1996, pp. 222-240) to argue that there had been "a change in unions' industrial action tactics in the 1980s and 1990s", particularly away from all-out strikes, and that "on balance, the balloting legislation tended to reduce militancy". But this ignored the long-standing preference (since 1945) of unions in national official strikes for "token" or discontinuous action, and for selective rather than all-out action; this applied in both private and public sectors (Lyddon, 1998). Where unions gave official approval in advance (even before the balloting law of 1984) to strikes below national level (more likely for private-sector white-collar workers and for the public utilities and services), then selective or discontinuous action was common.

Return of the labour injunction

There is no legal "right to strike" in the UK. Instead unions have "immunity" against legal liability for actions committed "in contemplation or furtherance of a trade dispute". Parliament's role from the 1870s was generally to maintain a wide freedom to strike by reversing the effects of adverse court judgements. The 1906 Trade Disputes Act (TDA), with its broad definition of a "trade dispute", became the "legal bedrock" (Lewis, 1976, p. 5). The 1971 Industrial Relations Act, briefly, and the statutes of 1980-1993, permanently, broke this tradition.

Strike law was seriously challenged in January and February 1964. The Law Lords (now the Supreme Court) ruled (in *Rookes v. Barnard*) that a draughtsman was entitled to damages from three trade union officials (£4,000 was agreed). This case involved a new tort (a civil wrong other than breach of contract), outside the 1906 Act. Then the High Court (in *Stratford v. Lindley*) granted an interim order against the general secretary (William Lindley) of the lightermen's union (a week later the judge dismissed a motion to commit him to prison for contempt). The Court of Appeal reversed this, but the Law Lords reinstated the injunction. In *Bowles v. Lindley*, in January 1965, an injunction and damages were sought against the union as well as its officers. The interim injunction, believed to be the first against a union, was not continued after

a full hearing. The TUC agreed that *Stratford v. Lindley* (concerning commercial contracts) should be covered in a Royal Commission but obtained legislation to reverse *Rookes v. Barnard*.

Although Donovan advised only a limited role for law, political leaders disagreed. Labour's 1969 White Paper *In Place of Strife* was thwarted by union opposition but in 1971 the Conservatives passed the Industrial Relations Act, "the most dramatic attempt by any British government to impose a master-plan for industrial relations" (Clegg, 1976, p. 501). Unofficial and official strikes greeted the Bill in 1970-1971. On three occasions in 1972 – one Hull docker in May, followed in June by three London dockers, two of whom were joined by three others in July – union activists refused to attend the new National Industrial Relations Court (NIRC) over the unofficial "blacking" (boycotting) of haulage companies for not using dock labour when loading and unloading containers. A TGWU official did attend, once the union had paid a fine to the NIRC after its ruling, in *Heatons Transport v. TGWU* (involving Liverpool dockers), that unions were responsible for the actions of their shop stewards.

When London dockers picketed a container depot at Chobham Farm, the company applied to the NIRC which named the shop stewards' committee and three dockers. The next day the Court of Appeal upheld the TGWU's appeal against its fine, removing the union's responsibility. The stewards were now threatened with imprisonment for contempt of court. Unofficial strikes broke out and a mass picket organised. The Official Solicitor (who acted for people unable to represent themselves) intervened and the Court of Appeal set aside the committal orders.

An agreement was made at Chobham Farm so pickets turned elsewhere. Five arrest warrants were issued on Friday 21 July, and four dockers incarcerated. An unofficial national dock strike started, and Pentonville prison was picketed. Remarkably, Vic Turner, the fifth docker, joined the picket on the Saturday until recognised. A wider unofficial strike movement saw the Law Lords rush their decision in the *Heaton* case, reinstating the NIRC judgement that unions were responsible for the actions of their shop stewards. Although the dockers had not purged their contempt, the Official Solicitor used this ruling to ask the NIRC for their release on Wednesday afternoon, 26 July (Darlington and Lyddon, 2001). That morning the TUC General Council had agreed to "call on all affiliated unions to organise a one-day stoppage of work and demonstrations on Monday next July 31" (Darlington and Lyddon, 2001, p. 173); with the dockers' release, it was unnecessary. This was not a threatened general strike (the General Council had no such authority) but it reinforced the contemporary tendency for "political" strikes.

A Labour government repealed the Industrial Relations Act in 1974 and reinstated the 1906 TDA but in wider language, to take account of the judicial innovations of the 1960s. Court of Appeal judgements by Lord Denning in 1979 sought to limit union immunities but were overturned by the Law Lords (Wedderburn, 1986, pp. 20-21, 568-570). Conservative governments, taking advantage of many senior judges' open distaste for the "immunities", then systematically narrowed, through legislation, the definition of a lawful "trade dispute". They made unlawful all secondary action, strikes other than over terms and conditions, and strikes to enforce union membership. The 1984 statute on official strike ballots was revised (in 1993) to postal ballots only, with onerous various notice requirements. Union members disciplined for not taking part in industrial action were given legal redress. Given the success of secondary picketing in the 1972 miners' strike, and its importance in several high-profile disputes, it was outlawed in 1980; a code of practice recommended a maximum of six pickets at a

workplace entrance. From 1982, unions, rather than just their officers, became liable for unlawful action and potentially subject to injunctions and claims for damages (though the latter have maximum limits).

A special conference in 1982 of the executive committees of TUC-affiliated unions agreed the "Wembley principles" of opposition to these laws. Despite the TUC being empowered, under certain circumstances, to "co-ordinate" industrial action, it was never going to risk court action. Many individual unions, though, did not meekly comply and several court injunctions were ignored or withdrawn after a dispute was settled. Some unions were fined for disobeying injunctions; when the disobedience continued, assets were "sequestrated" from print unions in 1983 (Messenger Group, to whom damages were also paid) and 1986 (News International at Wapping) and the seafarers' union in 1988.

In the first case against an unballoted official strike, Austin Rover in 1984 (see above), "the unions lay like skittles bowled out into the corners of the industrial arena" (Wedderburn, 1986, p. 78). The TGWU was fined £200,000 for contempt but refused to pay. The court sent another obscure official, the "Queen's Remembrancer", to collect the fine from a union bank account. The company filed damages claims against all eight unions – "It is unlikely that [nationalised] Austin Rover's decision […] was taken without consultation with the Government" (Wintour, 1985) – but dropped them three years later. The 1989 local government strikes saw NALGO members expelled for strikebreaking but, after losing a tribunal case, the union ordered the reinstatement of 600 (McIlroy, 1991, pp. 199-200). Courts used discretion where there was mass support for individuals on contempt charges: Arthur Scargill, National Union of Mineworkers (NUM) president, was fined £1,000 during the miners' strike; and two Unison branch officers were fined £1,250 each in 1994, for ignoring an injunction not to call an unofficial strike (Lavalette, 2001).

Early in the year-long 1984-1985 miners' strike over pit closures, the National Coal Board dropped a civil case against secondary picketing. Other affected nationalised industries (steel, electricity and rail) also held back (though a case brought by a transport contractor led to sequestration of South Wales NUM's assets). Instead, the government deployed mass policing which terrorised communities, criminalised thousands of miners and left hundreds victimised. Strikebreaking was encouraged, as were common law cases by disaffected members against the NUM. The Conservative government believed in the "demonstration effect": "to be achieved whatever the cost" and "always under the pretence that the Government wasn't really intervening" (Young, 1993, pp. 195-197).

Ned Smith (1997, p. 221), NCB industrial relations director, later wrote: "If the miners as a community had to be humiliated and driven into total defeat then clearly what happened was correct. If, however, the strike […] [had] been handled only as an industrial dispute it could […] have been brought to a conclusion at the very latest in September [1984] with an agreement satisfactory to management". What happened was a public warning that if workers resisted employers' restructuring it could be forced on them by all the powers of the state, not least the swing of a police truncheon.

Dismissal of strikers flourished, Denham (1991) finding 45 instances (and 38 threats) in three years from mid-1986. By then 5,500 News International employees had been sacked, 4,000 still participating in union ballots when their strike finished 54 weeks later. Other examples include Hillingdon hospital cleaners in 1995; Magnet (Kitchens), Darlington, 1996; Friction Dynamics and Caernarfon, 2001; and Gate Gourmet and

Heathrow, 2005 (Lyddon, 2009, pp. 334-336). Unofficial strikers had no unfair dismissal rights, but Labour's 1999 Employment Relations Act introduced an eight-week period of "protected industrial action" for official strikers (extended to 12 weeks in 2004). As Tony Blair (1997) admitted in advance, New Labour's small changes "would leave British law the most restrictive on trade unions in the western world".

Grounds for injunctions change over time, but balloting irregularities and deficiencies in ballot and strike notices loom large (Gall, 2006). Sidney and Beatrice Webb (1920, p. 606) nearly a century ago observed: "It must not be imagined that either the ingenuity of the lawyers or the prejudice of the judges has been exhausted". These words presciently describe the surreal nature of some recent cases. In *Metrobus v. Unite* (2009), the Court of Appeal upheld an injunction because the employer was not informed of a ballot result for 47 hours (at the same time as being given strike notice), as this was not "as soon as reasonably practicable". In the British Airways (BA) dispute, after an injunction stopped a strike, a second ballot led to strike action in March 2010. Unite announced further strikes in May but BA won another injunction because union members had not been adequately informed of the February ballot result! Unite had posted this online but not informed members individually. The union won its appeal so some strikes went ahead. BA advised the ballot scrutineers, Electoral Reform Services, that a third ballot was unlawful (though no detail was given) so Unite pulled back (Ewing, 2011). In *London Midland v. ASLEF* (2011), the train-drivers' union inadvertently wrongly balloted two members, which it admitted, along with minor indiscretions regarding lists and figures of members. The mistaken balloting was allowed for in legislation under "small accidental failures" said the Court of Appeal, overturning (in March 2011) the December 2010 High Court ruling – though by then ASLEF's strike plans had been derailed.

Just the threat of an injunction has often been sufficient for a union to suspend or cancel action but, overall, most strikes are not subject to, or threatened with, court action. In practice, the "strike threat" of a successful ballot usually leads to a settlement without any action needed – though the union has to pay the cost of the ballot. The "law is at best an irritant, albeit an expensive one. At its worst, legislation ensures that unions cannot respond quickly to events" (Lyddon, 2009, p. 338) – under the 1984 Act official industrial action could be organised in under two weeks but the additional notification and postal ballot requirements of 1993 extended this by about three weeks (Undy *et al.*, 1996, p. 210).

Conclusion

The audacity of many strikers' in the early 1970s was breathtaking: highlights include the Leeds female clothing strikers marching from one factory to another "in monstrous battalion strength, ringing (i.e. surrounding) factories and chanting 'Come out, you sods' (and worse)" (Parkin, 1970); engineering workers sitting in, some for months on end, at more than 30 Greater Manchester engineering factories in 1972 (Darlington and Lyddon, 2001, pp. 95-134); and the striking stable lads, from an almost feudal world, who sat down on the Newmarket course to disrupt a race meeting and were physically attacked by "the racing fraternity (the Tory party at play)" in 1975 (Miller, 2013). Since the early 1990s striking has been quieter, though occasionally livened up by "leverage" tactics that have already generated an (abortive) inquiry (Carr, 2014). In between was the miners' strike, the defining event of our 50-year survey, seared into the soul of the labour movement and everlasting symbol of the use of state power to subjugate the labouring classes.

Although the number of strikes and days lost remain at record lows, a series of national public-service stoppages has significantly increased the number of strikers (especially women) from its nadir in the 1990s. It has also made striking more of a public activity. This has provoked the newly elected Conservative government into promising legislation to impose high minimum thresholds for the turnout in strike ballots. One potential consequence is that, to secure enough votes, unions will have to campaign much more vigorously within and beyond the workplace, thus raising their profile, which the government and employers may come to regret. Another is that failure to meet the threshold may result in unofficial strikes breaking out. Where workers cannot easily be replaced, unofficial strikers are in a strong position, as evidenced by the waves of strikes in the engineering construction industry in 2009 (Gall, 2012).

The occupations that are prepared to strike have grown remarkably through the period 1964-2014. One unexpected group of public servants after another has embraced industrial action: from lecturers in the once cloistered world of universities to the midwives. Two other examples illustrate this phenomenon. Reporting on the match after the Hamilton Academical footballers' strike in 2000, one newspaper joked "Accies play 11 strikers". When a strike of the 60-strong chorus at the English National Opera in 2003 forced the cancellation of a performance of Berlioz's *The Capture of Troy*, the strikers gave a free performance of Verdi's *Requiem* in a nearby church on the same night (Lyddon, 2009, pp. 329-330). Such incidents – from very different ends of the cultural spectrum – show the continuing durability, adaptability and inevitability of the strike.

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