



Employee Relations

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Beyond consensus: the state and industrial relations in the United Kingdom from 1964 to 2014

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Abstract

Purpose – The purpose of this paper is to reflect on some of the problems and issues emerging from the changing role of the state in the UK's industrial relations since 1964 – the year the Labour Party was elected to power under Harold Wilson's leadership. The paper argues that the UK has seen an uneven set of developments in terms of the role of the state in the industrial relations system. Increasingly progressive interventions on a range of subjects such as equality, health and safety and others have coincided with a greater commercialisation of the state and greater fragmentation.

Design/methodology/approach – This is based on a reflective review of various texts and a personal interest in the role of the political in the arena of employee relations. It references a range of texts on the subject of the state in the context of the UK's employee relations system.

Findings – In political terms there has been an uneven and incoherent set of positions which have meant that there is a growing set of tensions and breakdown in the political consensus over worker rights. In addition, the agencies of the state and other state bodies entrusted with the development of a more socially driven view of industrial relations have been increasingly and steadily undermined and weakened by governments especially those on the right. The political context of industrial relations has become fractured and unable to sustain a coherent longer term view.

Originality/value – The paper tries to bring out the role of the political context and the way in has shaped the changing terrain of industrial relations and argues that the question of fragmentation is not solely visible in employee relations but in the broader political context.

Keywords Employee relations, Public sector organizations, Equality, Trade unions, Employment legislative

Paper type Research paper

Introduction

Any evaluation of the changes in the role of the state with regard to industrial relations since 1964 is challenging, as we have witnessed many complex and even contradictory developments. Judging the moral and political basis of the state across 50 years will inevitably involve being selective and to some extent be focused on certain aspects to the exclusion of others. The case of the British state is complicated because, as Howells (2005) pointed out in a seminal study, whilst individual rights at work appear to have been developing, to some extent collective rights remain curiously limited when compared to other European nations of a similar economic level of attainment. That is to say, we are caught in a paradoxical situation where different questions of "progressive" regulation have developed in different ways (Stuart and Martínez Lucio, 2013). Howells (2005) is correct in claiming this too, because without collective voice mechanisms we are left with a fairness and individual rights agenda that is defined and developed by people who are detached from those whom it is meant to impact on. This is one of the main themes of this paper.

When discussing the state we must therefore not merely see it as just some political arm of some dominant economic and social elites, but as a complex and even



contradictory space, an ensemble of institutions balancing representative, interventionist and institutional dynamics (Jessop, 1982, 2002). The state can therefore be seen as “a relatively unified ensemble of socially embedded, socially regularised, and strategically selective institutions, organisations, social forces and activities organised around (or at least involved in) making collectively binding decisions for an imagined political community” (Jessop, 2002, p. 40). The state can therefore be viewed, as far as Jessop is concerned, at various levels of activity as: modes of political representation; internal articulation of the state apparatus in the forms of modes of intervention and their realisation; political projects articulated by different social forces in the forms of prevailing state projects and discourses; and broader hegemonic projects that link and legitimise the state in relation to the social and economic (Jessop, 2002, p. 42; see also Hyman, 2008; Martínez Lucio and MacKenzie, 2006).

The Labour Government of Harold Wilson came to power in 1964, after 13 years in opposition, with a modernising industrial, social and employment set of agendas. It was a year which crystallised the emerging egalitarian and libertarian values of a new generation. The post-war welfare consensus was relatively consolidated, with even the British right accepting the role of the state in economic and social terms, though it was felt by social-democratic modernisers that it was necessary to organise further and create more structured systems of regulation and control. However, from the point of view of 2014-2015, where workers’ rights are being eroded and the role of the state undermined in social and welfare terms by a Conservative and Liberal Coalition Government, we can see that such projects of change failed fully to embed social progress within the fabric of work and employment regulation. I will therefore start with an overview of some of the modernising agendas of the past 50 years in terms of the emergence of new state agencies in relation to mediation and equality, as well as the focus on the important equality agenda that has marked the UK as a pioneer of equality and social rights at work. I will nevertheless point to areas where we have seen the state fundamentally undermine the basis of collective regulation and social intervention. There have been substantial changes but the fundamental undermining of the state itself and the inability to constitutionalise employment relations has meant that as a nation work and employment relations are subject to less democratic and social imperatives. Much of this has been generated by ongoing and extensive internationalisation, the emergence of a political right-wing network that has been obsessed with the withdrawal of the state and a social-democratic tradition which has been increasingly disconnected from its socialist and labour movement origins. It is also an outcome of the nature of the British state which retains many of its social, constitutional and political structures – and elites – from well before 1964. This leads us to conclude that the failure to deepen industrial relations regulation and rights is partly due to the failure of the modernisation and democratisation of the state by the dominant social and political actors. Within this somewhat dark and uncertain context there are moments when progressive social and employment policy has emerged within parts of the state, where alternative possibilities and engagements have developed. Yet these latter spaces have come under increasing pressure in the past five years.

Between economic crisis management and social modernisation at work

Looking back at 1964 and how it formed part of the post-war social-democratic consensus, no one can miss just how extensively the state has responded to social changes in the nature of the British workforce. There have been a series of reforms in terms of the wage and the social wage which have formed part of a growing tapestry of state intervention

since the Second World War, especially in terms of welfare and educational expenditure, with Labour Governments driving key moments of development.

The focus of policy in the 1960s was the attempt to create a greater sensitivity to economic pressures within industrial relations, through what has commonly been called a “politics of formalisation”: one could see this as a type of project of “modernisation”. The Royal Commission chaired by Lord Donovan was a key point in the defining of industrial relations problems and issues (and was heavily influenced by the pluralist and social-democratic agenda of the academic Hugh Clegg) (Ackers, 2014). The voluntarist legacy of industrial relations – and the growing level of militancy and fragmentation with its strong workplace orientation – concerned elites who began to chart a new industrial and commercial agenda for the country based on competitiveness. It was a time of experimentation in the face of increasing radicalisation and national reflection on economic development: and the TUC was a key part of shaping this increasing interest in new regulatory forms (Clegg, 1979).

The 1960s and more importantly the 1970s therefore represent a hybrid period in the UK’s industrial relations in that there are three strands vying for historical attention. The first is the growing level of industrial conflict and the response of the state through various judicial and coercive forms, especially during 1970-1974 (Darlington and Lyddon, 2001). The industrial relations arena in terms of its collective structures was deemed to be a problem by the state as it was seen to undermine economic renewal. The increasing use of national intelligence services and even the CIA, as well as private sector surveillance mechanisms, entered the narrative of industrial relations in the UK.

This contributes to a second strand in the role of the state in terms of the reforming agenda tied to the Donovan Commission and the push to create new authoritative structures of control and “responsibility” in relation to trade unions and their activities. Whilst some see the Conservative Government of 1970-1974 (resting between two periods of Labour Governments) as a moment of anti-unionism and a political challenge to labour organisation in general, albeit with the objective of enhancing bureaucratic control over workplace activists, it can be argued that 1964-1979 overall represented a policy moment based on the need for greater formalisation of industrial relations processes as well as a greater sensitivity to corporate and business concerns. The demand was for the emergence of new industrial relations, with trade unions and trade unionists on the ground being asked to partake in the logic of company-level activity and responsibilities in terms of industrial activity: a strand normally seen to have been less successful. This was offset by the emergence of a new industrial relations arena and space which were particularly important in the 1970s, and which concerned the establishment of a new framework of individual rights based on workplace and social relations. This generic political exchange between labour on the one hand and the state, and to an extent capital, on the other hand was not clearly successful in terms of creating a renewed social-democratic consensus, but it did put in place important foundations for a new framework of individual rights at work. This is commonly seen as a failed set of policies linked to the limitations of corporatist decision-making processes which were more about crisis management than a basis for renewal in social-democratic and exchange relations between labour and the state. In addition, there is an emerging criticism of trade unions and worker representation within the state, economic elites and the media which forms the backdrop to the acceleration of anti-trade unionism in the UK, even if at that point much of the responses by the state were piecemeal (MacKenzie and Martínez Lucio, 2014).

However, third, and ironically given the above two points, this is a moment of greater social sensibility within the state in relation to the changing composition of the workforce and new tensions around race and gender, for example, which can be seen as a response to the social politics of the 1960s and the changing pressures and alignments within organised labour. In terms of equality, the 1976 Race Relations Act was a major step in the state's emerging equality agenda of eradicating racial discrimination. The Act also established the Commission for Racial Equality. This emerged in the flurry of policy activity and changes that came with the Equal Pay Act in 1970 and the Sex Discrimination Act in 1975 and Race Relations Act in 1976 (the latter giving rise to the Equalities Commissions as state agencies). In later years this was followed by the emergence of employment rights policies on lesbian, gay, bisexual and transgender issues, as well as disability issues. The role of the state, especially in the form of the Equality and Human Rights Commission under the 1997-2010 Labour Government, drew together many previous equality-related organisations into one. Industrial Tribunals (now Employment Tribunals) were developed further in the 1970s, formalising the voluntary conciliation services which had been in place in one form or another since 1896, and which were given a greater and independent organisational status in the form of the Advisory, Conciliation and Arbitration Service (ACAS). The Employment Protection Act 1975 which placed ACAS on a statutory basis and developed into a wide-ranging and complex organisation offering a variety of collective and individual conciliation and arbitration services. In fact, this extended into a broader learning and consultancy role for ACAS throughout the following years, as will be discussed below (Stuart and Martínez Lucio, 2008).

The 1970s represent an important period in the manner in which the state began systematically to regulate health and safety through a new set of legislation and organisations such as the Health and Safety Executive. The state began to play a regulatory and also a consulting role on a range of issues such as these (Martínez Lucio and Stuart, 2011). This expansion of the social remit of the state in relation to work and employment relations marked a new form of social regulation and intervention through relatively autonomous agencies and political spaces focused on the social and the question of rights, and in part responding to the changing international debate through organisations such as the International Labour Organisation (Davies and Freedland, 1993).

Curiously, when the anti-trade union turn of 1979-1997 in the form of the Conservative Margaret Thatcher and John Major governments emerged, these state activities in relation to the social remit of work were not significantly disturbed – although their development was not as significant as perhaps they might have been either. The legacy of the state from the 1970s is therefore one that is balanced between economic failure and the inability to corporatise industrial relations within a voluntarist framework on the one hand, and its extensive social intervention and related state reforms in organisational and judicial terms on the other. Yet as Howell (2005) comments much of this latter aspect is linked to emerging individual rights and focus on state regulation (in the Conservative and Labour Governments from 1979 to 1997) although developments in the national minimum wage and the limiting of working hours represented an important development under the latter social-democratic phase.

The steady problem of fragmentation and withdrawal as a feature of state policy in industrial relations

There are aspects of the post-1979 period which suggest that the British state remained limited in terms of the modernisation of its industrial relations and the social reforming agenda which was very explicit in the 1970s and emerged from a more progressive

social-democratic cohort of politicians and trade unionists – and pushed in great part too by many radicals, liberals and key parts of what is commonly called the “far left”, both inside and outside trade unions and social movements (see Davis, 2009 on the fundamental role of the far left in the question of racial equality for example).

Risk avoidance and worker representation

Since 1974, the state has been systematically intervening in the question of worker representation through legislation on the role and extent of collective bargaining. The trade union recognition laws of the 1970s under the then Labour Governments introduced and allowed for elements of workforce consultation, though these were fundamentally limited and were far from the standard practices of many west European countries. If we then fast forward to the next Labour Government, of the 1990s and the 2000s, and their attempts to introduce thresholds for union membership and ballots of the workforce to determine if a trade union is to be recognised by the employer for the purpose of collective bargaining, it is clear that there remained a number of limitations to union recognition procedures linked to such issues as union access to a workplace prior to a recognition claim, the level of thresholds for recognition, and the general intransigence of the employer in what became a new and more hostile environment for trade unions generally (Smith and Morton, 2006; Perrett, 2007). As Smith and Morton argue, the Labour Government worked within a neo-liberal context, rarely pushing collective worker rights and not repealing large parts of the legislation on trade unions and collective action implemented by previous Conservative Governments (as will be outlined below). In terms of legislation and intervention the state remains wedded to a curious voluntarism: “the legislation allows for the game of voluntarism to be enshrined within the micro-level politics and social relationships of work and employment: it crystallises the culture and history of voluntarism in the regulation itself. It is, in effect, ironic in how it balances change with tradition” (Perrett, 2007, p. 617). Even European Union initiated legislation on the question of information and consultation rights are fundamentally constrained in the UK context by a lack of commitment to systematic approaches to trade union recognition (Taylor *et al.*, 2009) and to a policy of continued constraining of the social legislation of Europe from within, whilst previous Conservative Governments dealt with this strategy by simply opting out.

The emphasis was on deepening individual rights over collective rights (Howell, 2005); but without any strong collective framework for their enforcement this created a fragmented industrial relations environment. Some have argued that there was during the period 1997-2010 some engagement between the Labour Government and its affiliated trade unions, that informal exchanges across aspects of legislation and policy were visible (Coulter, 2014). In addition the Warwick Agreement of 2004 between these organisations managed to secure a degree of consensus and a series of concessions on issues regarding the enforcing of labour rights and union modernisation. However, even those who see the merit of these engagements concede that the “collaboration remains precarious because of the absence of robust institutions committing governments and the social partners to collaborative outcomes” (Coulter, 2014, p. 138). In fact this uncertainty and risk runs through the very DNA of employment regulation and practice in the UK, given the ease that the state and employers have to opt out (Martínez Lucio and Stuart, 2004, 2005). In fact, the key parts of the government in question were fixated with undermining the value of trade unions, seeing them as

antiquated and linked to a particular past, thus stigmatising their value (MacKenzie and Martínez Lucio, 2014).

The lack of support for unions was, for some, representative of a continuity with the anti-trade unionism of the 1979-1997 Conservative Governments which introduced a barrage of legislation undermining (or trying to undermine) the right to strike, the remits of strikes, the nature of trade union structure and the political role of trade unions (Dickens and Hall, 2003; McLroy, 1991). The deliberate decision by Tony Blair and Gordon Brown as subsequent Labour Prime Ministers not to respond to trade union demands for withdrawing the legislation meant that the neo-liberal underpinnings of the new state would fuse with its uneven and voluntarist heritage and leave an ever increasing population of the workforce in a marginal and vulnerable social, economic and employment status, even if there were various initiatives to try to reorganise labour rights enforcement through new types of organizational alliances (Colling, 2012; Dickens, 2012). This continuity framed and limited attempts to enhance the role of state agencies such as those outlined in the previous section as they worked within a climate where employer prerogative was augmented.

The deformed, fragmented and financialised state

In great part this is not solely due to the legislative intentions and interventions of governments but to a political project that sees the fragmentation of the state as fundamental to the renewal of an economically viable and “entrepreneurial” UK. The issue is that the state itself is the object of reform – and this came to limit the role of state agencies and internal actors in their ability to widen the progressive agenda further due to the financial cuts in their resources.

The withdrawal of direct intervention by the Conservatives in key sectors of the economy during the 1980s and early 1990s through the process of privatisation marked a crucial turning point in the way the “good employer” ethos was disseminated through the labour market. Whilst the 1980s still saw core non-commercial public services as vital to the state, a logic of reducing the role of the state became the basis of core government policy which even the subsequent Labour Governments did not openly challenge, (although the role of the state in quantitative terms was not significantly undermined and in some instances was expanded). Yet a logic of de-industrialisation persisted, with its focus on a “new economy” of services and global corporatisation which rested on the persisting view of the inevitability of de-industrialisation and the weakening of organised labour. Finlayson (2003), in discussing New Labour, talks of the fascination with entrepreneurialism, whilst managerialism also accelerated as a discourse of administration within the state (see Mascarenhas, 1993). This was underpinned by a growing cult of the dominance of the financial constraining of the state which began in the 1970s, and continues through to the current day (Jenkins, 2006). There were differences of emphasis between the right and social democrats, but they were in the main matters of detail and scope. Hence the state itself became the object of extensive reform.

First, we have seen a fundamental decentralisation of the state and a move towards a greater level of subcontracting and outsourcing in former public utilities and within the state itself, all of which are driven by a cost and financial logic (MacKenzie, 2002; Rubery *et al.*, 2002). The push towards indirect labour and external private companies in key areas of public service activity has been a steady and ongoing process since the early to mid-1980s. Outsourcing has moved from “ancillary” services to core areas of care, with a negative impact on the quality of work and labour standards of workers

(Cunningham and James, 2009). Whilst there have been positive developments, such as with the minimum wage under the previous Labour administrations, the general financial thrust behind outsourcing has put pressure on providers of services and lowered labour standards. The state is a mainly contract state (Kirkpatrick and Martinez Lucio, 1996) which increasingly purchases service delivery and withdraws from a direct influence on the terms and conditions of employment in affected sectors and to some extent the quality of the service itself. In the UK this has been driven more aggressively than most west European countries, with the USA a significant source of legitimacy. The tug of war between the two major parties (Conservatives and Labour) is that whilst the former is known to push liberalisation and privatisation more aggressively, the latter tries to counter the negative social effects by rekindling social and economic support through the state, yet in a way that is still based on the logic and forms that it derives from the former. In this respect there is a new paradigm of state forms – although perhaps not scope – which has prevailed since the 1980s (for a further discussion see Carter and Fairbrother, 1999; Hall, 2003).

Second, this has been sustained by a managerialisation of state administration from Whitehall through to the primary schools of even Horsforth in Leeds. Within the state, the mimicking of the private sector – or what is perceived to be the private sector – has occurred through the development of new public management (see Diefenbach, 2009). This has now a quasi-academic discipline attached to it, a hybrid of Public Administration and Management Science, such is the extent of its development in many contexts (see Bach and Bordogna, 2011). The state in the UK has seen major developments in terms of a business-objectives model, commercial and de-centred structures, performance management, and measurement systems, management education and careers and a corporatisation of worker culture (Diefenbach, 2009, p. 894). For Diefenbach this is what Habermas predicted: the colonisation of the lifeworld by the market. Working in the British public sector very much feels this encroachment of a commercial ethos into the basis of work and service. Within this changing world, those who have remained directly employed have witnessed the introduction of performance measurement at every level of their work lives and in the organisation's environment, in a manner which has created a new national culture and language based on a popular fascination with league tables and the regulatory agencies that created them. Lean production techniques are commonplace, and these have begun to have significant effects on career spans, individual coping strategies at work and the general health of the workforce (Carter *et al.*, 2013). Within this context the position of management becomes undermined and its ability to cope and act as some form of buffer seriously distorted (Carter *et al.*, 2014). Where in the 1960s the talk about work and problems, especially in popular culture, may have been about disputes and disruption, the current context focuses on performance measures and targets: the language of industrial relations has shifted. This has created counter-spaces in terms of contesting the meaning of quality, the use of performance measures to highlight the effectiveness of public sector activity during disputes, and the emergence of a new concern with health and safety in terms of mental health. Yet the state remains wedded to a managerialisation and commercialisation. If anything, political discourse about the state celebrates this new hegemonic view.

The increasingly authoritarian state: now and (it also seems) then

Many often cite Andrew Gamble's (1979) insight into the oncoming changes in the UK in the 1980s as consisting of a "strong state" pushing a "free economy", and the associated shift in the attitude of the state towards organised labour and collectivism.

During the miners' strike (1984-1985) the police force, the right-wing media and intelligent services were used by government to challenge the organisation and picketing of workplaces by striking miners (Milne, 1994/2014). The systematic use of state resources and state agencies by the executive revealed a growing authoritarianism which was apparent in many other disputes such as at News International during 1986-1987. Industrial relations were perceived as being something negative and antiquated, with trade unions viewed as a political liability by many social democrats in the face of the right-wing's political strategies (Clark, 1995). This was a populism forged through an anti-collectivist discourse and a focus on developing non-strike cultures.

This has become a feature of more recent developments during certain policies of the Liberal-Conservative Coalition Government 2010-2015 with its focus on limiting time for trade union duties (in a context where work has for some become even unpaid as in the abusive use of internships, un-regulated in terms of working time as in zero-hours contracts and subject to a renewed culture of inequality which remains celebrated by the mainstream media – see Mendoza, 2015). In recent years, the extent and depth of this authoritarian culture has become clearer. Smith and Chamberlain (2015) have detailed the extent of blacklisting of trade unionists and worker activists by companies in the UK and the manner in which there have been highly organised employer and right-wing-related networks that have excluded workers and trade unionists from jobs across various sectors, especially the construction sector. Awareness of intelligence service activity through the twentieth century and police infiltration of social movements is commonplace. Yet the irony is that even some parts of the trade union leadership – normally linked to the right of the Labour Party – have been complicit in blacklisting as a way of containing the internal debate within their unions and maintaining a semblance of “order” in their relations with employers in what they considered – perhaps – to be a less than supportive legal environment (and one that required greater links and favours from employers for a trade union to continue playing a role). What is unfolding in the current evaluations is a realisation of a darker side to the UK's industrial relations (see Evans and Lewis (2013) on the role of the police force inside social movements and others as well as Mendoza (2015) on the emergence of surveillance in society) which, whilst not comparable to European countries with an explicit authoritarian history, is significant if compared to parallel democracies such as the Netherlands. Unpacking this labyrinth will increasingly force us to rethink the way we view the status quo and the changes of the past 50 years or more.

The political spaces for renewal and regulation

Trying to talk of legacies is a challenge. We have in the UK different trajectories and narratives working their way through since the early 1960s. We have the social agendas and innovations which, since the 1970s, have configured a range of progressive and equality-driven practices and state agencies which have become a reference point for many European contexts. At the individual level we have seen an increasing interest in the way to view the needs of workers in terms of dignity and decency. Within personnel management there appears to be a growing interest in questions of fairness. That these terms can be redefined due to their plasticity is another matter, but one which there is not enough space to discuss here. There are agencies which have made their mark alongside a renewing and more socially

sensitive labour movement, such as the Equality and Human Rights Commission, ACAS and the Health and Safety Executive. There are also new forms of state-organised labour enforcement, such as through the Gangmasters Licensing Authority and others, which whilst quite limited in their remit and reach, attempt to reduce the level of negative employment practices. Parts of the state resist many of the negative or disorganising elements outlined above, and parts continue to push the reforming agenda of the 1970s.

The role of the local state has also been vital since the 1980s – even with the pressures to outsource – in ensuring that there are resources, networks and labour standards which act as a benchmark for employers and indeed sustain what we could generally conclude to be dialogue-based industrial relations for a large part of the workforce in cities such as Leeds, Manchester and Sheffield. The role of civic culture and forms of social dialogue are normally at their strongest at the level of the local state, where systematic reciprocal relations between state and labour emerged – especially in left and centre-leaning local councils – to counter the shifts outlined above. In this respect there are many parts of the state which enshrine the progressive welfare values of the mid-twentieth century and the new politics of rights of the 1970s. If anything the local state has been the space where the modernising projects of the 1960s and 1970s found their home, and within that a (relatively) more connected and inclusive agenda.

Within trade unions the emergence of a new left leadership since the mid-1990s in various unions began to form a new political space calling for a deepening of labour regulation and the social state. In the case of UNITE there has been a systematic push almost to mimic the left-wing trade union confederations of southern Europe and create a socio-political approach to trade unionism with a campaigning and community orientation, but also with a more direct set of demands on the Labour Party in terms of its moral and historical responsibilities to regulate and recollectivise employment relations. The unanticipated election of Ed Miliband in 2010 to the Labour Party leadership and debates on the Labour Party leadership of 2015 were in great part due to the role of this new left-leaning approach and the leadership of key unions.

Yet these organisational spheres or spaces are restricted by the challenge of marketisation and individualisation promoted by core state organs, which privilege a quantitative vision of employment over a qualitative one, as seen with zero-hour contracts and mini-jobs. The state since the 2008 financial crisis has reinvigorated a degree of market-led reform which has opted for downsizing and public service work intensification as a way of responding to the deficit and debt crisis. The foundations laid in the 1980s and 1990s have configured the current rethinking of the state in commercial and financial terms. Regarding the regulatory agencies and the local state referred to above, these have been subject to a politics of reduction, the likes of which could become even more challenging as austerity measures intensify. What is more, the support for trade unions through the provision of time and resources has been undermined. Much rests with actors or union activities at the level of civil society to lead industrial relations issues, such as living wage campaigns, as a way to regulate the basic conditions of a growing set of vulnerable workers. The Labour Party – trade union link remains on the surface highly complex and deep, but is uneven in terms of substantive policies concerning work and employment. In fact the Labour Party in the general election of 2015 appeared to remain silent on questions of regulating representation and collective worker rights. The difference

with 1964 is that today, even in the works of leading left-wing journalists, the raising of the issue of trade unions or collective rights appears limited and even silent compared to the centrality the concept had then (see Toynbee and Walker, 2015 as an example of industrial relations amnesia).

Conclusion: decline, decadence and renewal from below

In 2014 the actors were more or less the same as in 1964 – and the culture of the state as elitist as ever – with a political class which has grown and overseen significant increases in inequality (Jones, 2015): there have been attempts at pump-priming voluntarism but the failure of a positive form of rights and the move to a neo-liberal context of authoritarian populism (as Hall, 1988 calls it) defines the period since 1964. We have political structures dominated by elitist networks and privately educated hierarchies with an abusive attitude towards public office (Jones, 2015). The question of the state and its crisis in industrial relations is also a part of a broader constitutional issue and crisis. The question of worker rights needs to be further linked to the question of human and civil rights, as well as broader political reform, if we are to sustain a humane perspective in terms of how we work (and why and for what, perhaps). The question will be in what form the regulation of work, and the rights of workers, re-emerge within these new political discourses beyond a new market voluntarism.

Industrial relations in the UK exist in a defined spatial and political context. The dominance of the south-eastern English dimension of the state and the failure of English traditions to reform in a progressive way are relevant because we cannot keep viewing the crisis and commercialisation of the state and industrial relations as a purely employment relations matter. The problem is that the core aspects of the state have not changed and the issue of positive rights and further modernisation is being increasingly questioned by right-wing populist movements that demonise social and welfare progress. However, once more, the progressive features of regulation and rights are finding homes and possibilities in other spaces. What we have seen instead, since 1964, is an ongoing reformulation of politics in Northern Ireland which formally at least questions sectarian practices (although many remain) building on years of struggle against the “British state”, the emergence of a progressive Welsh nationalism in Plaid Cymru with its community and social-based approach, and an apparent shift to a social-democratic position in the Scottish National Party and the rise of non-social-democratic left formations in Scotland. In addition, the revitalisation of the Labour Party left more generally during the summer of 2015 appears for the time being to present a new set of alternatives and narratives, as does the interest in employment rights within the wider ecological/green movement. In England the political projects of particular trade unions, as mentioned earlier – and which are relevant to all the UK – act as an initiative to drive forward a socially progressive policy and state agenda, along with the “soldiering” on of the ever weaker aspects and agencies of the social state. The new corporatised UK state is therefore also a fractured state, with many looking beyond the quasi-imperial format which configured it. These shifts suggest a recognition that the modernising and socialising of the UK is a complex and multi-faceted phenomenon, and a resistant one although within the core of the state the legacy of the social and modernising agenda seems ever weaker. The form of the state will be a contested issue in territorial as well as organisational terms concerning how the next 50 years deals with the regulation of rights and responsibilities in employment relations. The question is whether the relative social progress of the past 50 years will become increasingly undermined, eroded and effectively reduced to tokenistic gestures and bodies.

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