

Industrial Relations Reform in Northern Ireland

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INTRODUCTION

In 1971 the Northern Ireland government set up a Review Body with the following terms of reference:

To consider, having regard to the importance attached to industrial relations in the Northern Ireland Development Programme 1970-75, what changes may be necessary or desirable, whether in law or in practice, to promote the most harmonious and effective system of industrial relations in Northern Ireland and to recommend what steps should be taken to this end.^[1]

The *Report* of the Review Body was published in April 1974. This paper contains a discussion of the circumstances leading to the publication of the *Report* and an analysis of the Review Body's proposals for reform; a brief survey of the industrial relations system in Northern Ireland is first presented.

THE SYSTEM OF INDUSTRIAL RELATIONS IN NORTHERN IRELAND

Northern Ireland, as a distinct political entity, came into existence in 1921 consequent upon the partition of Ireland. Although part of the United Kingdom, Northern Ireland for most of its history has possessed a separate government having a substantial measure of autonomy. Political links with Great Britain are paralleled by close economic ties. The bulk of Northern Ireland's external trade is with or through Great Britain and the general level of economic activity in the Province is clearly affected by the buoyancy of the British economy.^[2]

Northern Ireland has experienced a number of grave economic difficulties; indeed it is probably the *locus classicus* of the regional economic problem in the United Kingdom. The general level of unemployment has been by post-war British standards very high,^[3] the level of *per capita* income is substantially below that of the United Kingdom^[4] and there has been significant net emigration.^[5]

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The system of industrial relations in Northern Ireland has been affected profoundly by the political and economic links with Great Britain. Although legislation relating to industrial relations has been traditionally a matter for the local administration, it has been until recently customary for Northern Ireland to follow British practice. [6] However, when in 1971 the British government passed the Industrial Relations Act, the Northern Ireland government, for reasons to be discussed below, did not introduce a local equivalent of this measure; the repeal of the 1971 enactment [7] has reduced this divergence between the legal contents of the two industrial relations systems.

Trade union organisation further illustrates the inter-relationship between the systems. In 1970 membership of all unions in Northern Ireland was 263,000. Of this total 219,700 belonged to unions with headquarters in Great Britain, 27,900 to organisations with headquarters in Northern Ireland and 15,400 to unions based in the Republic of Ireland. Of the 77 unions operating in the Province, 55 were British-based, 17 were local to Northern Ireland and 5 had their headquarters in the Republic of Ireland. [8] The powerful presence of British-based organisations has meant that the structure, organisation and philosophy of British trade unionism are important features of the industrial relations system in Northern Ireland. There are further implications; local initiatives are in some spheres thereby constrained (e.g. as regards changes in trade union structure, methods of finance), and in general the highest ranking local trade unionists are regional officials. Nevertheless, a considerable degree of autonomy is claimed - and demonstrated - in day-to-day trade union operations.

A number of British federations, such as the Confederation of Shipbuilding and Engineering Unions, operate in Northern Ireland. A particularly important agency of co-ordination however is the independent Irish Congress of Trade Unions (ICTU). This body operates throughout Ireland [9] and has functions roughly analogous to the British Trades Union Congress (TUC). In Northern Ireland the ICTU works through its Northern Ireland Committee (NIC), which is made up of local trade unionists elected at an annual Northern Ireland Conference. The NIC is virtually autonomous in matters relating to Northern Ireland. [10] In 1970, 88 per cent of trade unionists in Northern Ireland were members of organizations that were affiliated to the ICTU. [11]

The density of trade union membership in Northern Ireland may be marginally higher than that of Great Britain, but there are nonetheless areas of organisational weakness. As in Great Britain, the recruitment of women to trade union membership has not proved to be easy, and certain industries (e.g. distribution) have posed a number of problems for trade union development.

Strong ties with Great Britain are to be found amongst employing interests. A number of prominent local firms are branches of enterprises based in other parts of the United Kingdom. [12] Close links are also to be found in the sphere of employers' organisations. For example, the Engineering Employers' Northern Ireland Association is a local association of the Engineering Employers' Federation, and the Confederation of British Industry (CBI) has a Regional Council for Northern Ireland.

The structure of collective bargaining is similar to that in Great Britain. Important sections of local industry (e.g. engineering, shipbuilding and ship repair) are covered by agreements that apply throughout the United Kingdom, but more common (in terms of workers involved) are industry-wide agreements reached and applied in Northern Ireland. [13] Some local enterprises that are part of nation-wide firms participate in United Kingdom-wide company negotiations. There is a trend towards plant-level bargaining in the Province, [14] such bargaining in many cases supplementing the wider basic agreements already mentioned.

As may be inferred from the earlier discussion of the law relating to industrial relations, the State has tended to follow the British philosophy of voluntarism. Intervention has been in those spheres in which British governments have taken initiatives, for example in factory legislation, statutory wage regulation, termination of employment legislation, and measures relating to industrial training. Whilst the Northern Ireland government did not pass any legislation relating to

prices and incomes, the Province, nonetheless, was subject to measures emanating from Westminster.

THE INDUSTRIAL RELATIONS REVIEW BODY

Two factors seem to have been of particular importance in the creation of the Review Body. The first was the economic position of Northern Ireland; the second was the impetus towards industrial relations reform in Great Britain.

In the 1960s the government of Northern Ireland began to intervene vigorously in the economic development of the Province, this intervention to some degree reflecting the general movement towards planning that characterised British administrations in the decade. Thus in 1965 the Northern Ireland government published an economic plan involving the creation of 30,000 new jobs in manufacturing over the years 1964 to 1970.^[15] A second plan, published in 1970, outlined an ambitious development programme for 1970-75.^[16] The success of these schemes, it was believed, was greatly dependent on the climate of industrial relations in the Province. Thus the authors of the latter plan noted that 'In creating the necessary conditions for the growth of manufacturing industry and employment in Northern Ireland, the existence of a sensible and harmonious atmosphere in industrial relations must be a first priority'.^[17] They further asserted that:

The greatest importance must be attached to flexibility and to willingness to accept and indeed welcome new methods. For if each firm in Northern Ireland could establish and maintain only a very small productivity differential over its competitors in Great Britain, then the disadvantages of operating in Northern Ireland in terms of transport costs and remoteness would easily be outweighed and industry in the Province could outstrip its competitors and would often be in a position to expand and grow on a profitable basis.^[18] It appeared that 'the general industrial relations picture in Northern Ireland is satisfactory'^[19] and that there was 'no question ... of Northern Ireland being classed with some of the older industrial areas in Great Britain where militancy and inflexibility are the order of the day'.^[20] Furthermore, the authors felt that it was only proper to recognise the statesmanlike role which the trade union movement has played^[21] in the implementation of the 1965 programme.

Nonetheless there were defects. There were disruptive sectional interests,^[22] trade union officials were overburdened,^[23] the machinery of employers' associations needed to be strengthened, and there was an urgent need for managerial training in the techniques of industrial and human relations.^[24] Observations such as these stimulated debate, and, as may be inferred from its terms of reference, played an important role in the creation of the Review Body.

The second factor leading to the appointment of the Review Body was industrial relations reform in the rest of the United Kingdom. The publication of the *Report of the Royal Commission on Trade Unions and Employers' Associations 1965-1968*^[25] and of subsequent plans for change in Great Britain naturally attracted attention in Northern Ireland. However, on this occasion Northern Ireland did not elect to follow the legislative lead of Westminster in respect of the Industrial Relations Act 1971. A number of influences may have contributed to this outcome. In the first place, the local trade union movement was in principle strongly opposed to many of the innovations in the Industrial Relations Act and would have resisted vigorously what it conceived to be repressive measures. In this, of course, it was no different from the trade unions in Great Britain. However, unlike the British government, that of Northern Ireland would have been hard put to argue convincingly for the introduction of such radical change since, although there were doubtless defects in the local system of industrial relations, there was no evidence, such as seemed to be available in Great Britain, that a 'crisis' was at hand. Indeed, as the authors of the 1970-75

programme had acknowledged, the local trade union movement had contributed significantly to the progress made in implementing the earlier economic plan; to antagonise the unions might jeopardise the new programme. Civil discord may also have entered the government's calculations; from 1968 onwards there was open civil conflict in the Province, and the government must have been averse to adding trade union protest demonstrations, and perhaps legal action against trade unions, to the difficulties with which it was already confronted.

On the other hand, the government could scarcely insist on the *status quo*; there were admitted deficiencies in the Northern Ireland industrial relations system, and, given the need to foster economic development in the Province, some form of initiative was called for. A detailed examination of the local industrial relations system must have had much to commend it. Local difficulties could thereby be brought to scrutiny, and in the meantime the merits or otherwise of the more contentious reforms in Great Britain could be assessed.

Certainly this course seemed to accord with official trade union policy in the Province. As a prominent local trade unionist observed:

We may possibly have gained no more than a breathing space but who knows what may ultimately happen in Britain? Certain employers are not as enamoured with industrial legislation as they formerly were ... if at the end of the day the Northern Ireland Government ... proceeds chapter and verse for oppressive legislation then we oppose it ... by all the means in our power. [26]

The first meeting of the Review Body was held on 9 June 1971. The membership consisted of ten representatives of the CBI and the full membership of the NIC, comprising twelve of the senior trade union officers in the Province together with the Northern Ireland Officer (*de facto* Secretary) of the NIC. There was one independent member, and two civil service representatives, one of whom acted as Chairman. The civil service also provided a secretariat.

Written and oral evidence was invited from individuals and institutions. Four working parties were appointed to deal with certain 'key areas' of industrial relations namely, trade union recognition, the collective bargaining process, the handling of grievances, and inter-union relations. The secretariat produced reports on a range of topics including, *inter alia*, the general and legal framework for industrial relations in Northern Ireland, the anatomy of disputes in the Province, and the arrangements for the conduct of industrial relations in other parts, e.g. the Republic of Ireland. The Conciliation Service of the Department of Manpower Services provided an analysis of disputes in Northern Ireland, and independent research was commissioned into the industrial relations situation in selected local companies and the operation of procedural arrangements in a number of Northern Ireland enterprises.

THE REVIEW BODY'S ANALYSIS

Part I of the *Report* treats of the existing system of industrial relations in Northern Ireland; Chapters 9 and 10, which contain studies of the key features of disputes and of strike statistics respectively, present the main analysis of the industrial relations problems of the Province.

The survey of disputes indicated that in some cases management had not developed clear policies and plans for industrial relations; where collective bargaining was not placed in the mainstream of company planning, managements tended to view their function as containing union demands rather than as using the bargaining process constructively in pursuit of corporate objectives. There was on occasion a lack of clarity in the allocation of responsibility for industrial relations, and a lack of appreciation of the implications of decisions taken in other spheres of managerial competence. A deficiency of resources and of negotiating ability could prevent the proper exercise of managerial authority. A negative or inadequate industrial relations

for all companies and employers employing more than a hundred persons. Where no written procedural agreement exists a notification of this fact should be required. If organizations are subject to procedural arrangements made outside Northern Ireland, notification of the existence of these agreements should suffice. A competent advisory service should be provided to assist parties in drawing up adequate collective agreements where such agreements do not exist or appear to be inadequate.

The possibility of collective bargains being made legally binding without the consent of the parties concerned is rejected; however it is proposed that the law be amended to enable employers and trade unions to make legally enforceable collective agreements should they wish to do so.

It is recognized that adequate written agreements and procedures do not in themselves guarantee healthy industrial relations. The major requirement is that management and unions should consistently honour their agreements. In this respect trade unions have the special problem of securing observance by all union members. The main solution to the problem lies in increasing the effectiveness of unions and their efficiency of representation. To this end it is suggested that more companies should explore the possibility of entering into arrangements for 100 per cent trade union membership.

It is considered essential, for effective collective bargaining, that both unions and employers should have reasonable access to relevant information. The communication of such information should not merely be confined to annual wage negotiations or to other such formal occasions. No attempt is made to lay down hard and fast rules as to what should be disclosed and to whom; this is a matter to be negotiated between the parties concerned. If agreement cannot be reached, the matter should be referred to the LRA for a view as to what is reasonable in the circumstances.

Representatives of both sides in negotiations should be in a position to take decisions and to conclude agreements. Orderly bargaining is important. Thus structures should be devised that avoid the difficulties of sectional bargaining, the issues and facts in question should be made clear, and the parties should make every attempt to reach agreement through established procedures before having recourse to conciliation or other such external assistance.

Collectively agreed procedures should incorporate arrangements for consultation, the provision and proper use of which is held to be essential to good industrial relations, and it is asserted that there is a case for negotiation and consultation being carried out by the same body. Consultative structures might provide the basis for developing means of joint regulation; work study and job evaluation are cited as areas that are particularly suited to such regulation.

In respect of disputes, the *Report* urges the introduction of local legislation equivalent to the Trade Disputes Act 1965 in Great Britain; the lack of such a local statute is felt to raise some doubts as to the completeness of the immunity from tort enjoyed by trade unions and their members.

Three topics, which are intimately connected with collective bargaining, are given special treatment in the *Report*. These are: the handling of grievances; disciplinary procedures; and collective bargaining and the low pay problem.

Certain guidelines are set out for the handling of grievances. For instance, it is stressed that the distinction between individual and collective grievances should be appreciated; workers should be informed of the means by which a grievance can be raised and pursued; and each stage of a grievance procedure should be subject to a time limit.^[36] There should be a 'contingency clause' which could be invoked - by an employer, a union, or the Department of Manpower Services - when problems arose because of the absence of adequate procedures. The matter in dispute could then be referred to conciliation; if no solution was reached the matter could go to the LRA.

It is recognised that grievances can arise from the relationship between unions and their members. It is suggested that the LRA might help the existing trade union machinery^[37] in such cases, and that the trade unions should consider the possibility of the LRA acting as a forum of last resort in disputes between unions and their members.

The *Report* recommends the adoption of formal disciplinary procedures and lays down guidelines. For example, such procedures should be jointly agreed and in writing; all employees should be conversant with them, preferably by means of the distribution of copies; employees should have the right to have their cases handled by a trade union representative; and disciplinary sanctions should not be taken against a trade union representative until the case has been thoroughly discussed with the appropriate full-time trade union official.^[38]

There are two proposals bearing on dismissal. An agreed probationary period of employment is suggested as a means of dealing with the problem of unsatisfactory new entrants, and the introduction of statutory protection against unfair dismissal is recommended. The form such legislation should take is not set out in detail, but it is proposed that Industrial Tribunals be charged with the duty of deciding whether a dismissal is unfair, and that an Industrial Tribunal be authorised to recommend re-engagement or reinstatement and/or to award compensation in cases where unfair dismissal is established.

The problem of low pay is examined chiefly within the context of the Wages Councils Act (Northern Ireland) 1945 and the Terms and Conditions of Employment Act (Northern Ireland) 1963. Wages councils should be given a wider role (e.g. to deal with problems of productivity and efficiency) and employers and trade unions should be entitled unilaterally to seek the abolition of a wages council on the sole ground that it is not necessary for the purpose of regulating the remuneration of the workers concerned. The LRA should be given responsibility for the monitoring and encouragement of progress towards effective voluntary machinery in wages councils industries, and such industries should no longer be excluded from the scope of the Terms and Conditions of Employment Act (Northern Ireland). The Department of Manpower Services should have the power, on application from one or both of the parties concerned, to exclude any undertaking from the scope of a wages council if in the opinion of the Department there are satisfactory arrangements for collective bargaining covering a majority of the employees concerned.

There remain sections of industry not covered by wages council legislation nor (because, for example, of a lack of representative organisations) covered by the Terms and Conditions of Employment Act (Northern Ireland). In these spheres the LRA at the behest of the Department of Manpower Services or appropriate employer or trade union interests, could undertake investigations, and could recommend the use of 'temporary bridging institutions'^[39] *inter alia* with providing terms and conditions of employment enforceable through the machinery of the Terms and Conditions of Employment Act (Northern Ireland).

The proposals so far set out are designed to strengthen voluntary collective bargaining. The *Report* recognizes that collective bargaining of an improved sort requires certain changes in the practices of employers and of trade unions. Thus it is urged that industrial relations training be given to all managers and supervisors. An adequate role must also be accorded to industrial relations specialists within the firm. In order to be able effectively to disseminate advice to industry, co-ordinate action where necessary and monitor the progress of reform from the employers' standpoint, employers' organisations responsible for industry-wide negotiation in Northern Ireland may stand in need of rationalisation; the CBI will have to widen its local membership and possibly divert more resources to its Northern Ireland Region.

Vigorous action is also required of the trade unions. It is essential that their research and information services be improved. The expansion of the NIC's existing research and

information services should be considered. Training facilities for officials are inadequate, especially at shop steward level and more full-time officials are needed. If these difficulties are to be overcome, then unions must obtain additional finance. Inter-union relations stand in need of improvement, and it is suggested that there should be improved provision within the trade union movement for the settlement of inter-union disputes. This should be supplied by the NIC, since the TUC machinery is not geared to the effective mediation of local problems; no dispute should be processed through union procedures beyond the Northern Ireland level unless it has an essential Great Britain dimension. Where NIC facilities were not utilized, cases could be referred to government conciliation machinery, and, if necessary, to the LRA.

The *Report* has implications for the government of Northern Ireland. As an employer it will be required to set high standards and to follow the recommendations in the *Report*. More directly, however, it will have to implement appropriate legislation. This will be devoted in part to the amendment of existing statutes relating to industrial relations, but mainly to the establishment of the LRA, many of whose functions have already been outlined. The LRA will be an independent body, financed by public funds, and comprising an equal number of employer and trade union representatives. It would have a permanent staff, perhaps supplemented by outside specialists employed on short-term contracts or for commissioned projects. Of particular importance would be the obligation of the LRA to conduct an on-going review of industry-wide bargaining arrangements in Northern Ireland, to provide an industrial relations advisory service to individual companies, and to facilitate industrial relations training (e.g. by the preparation of an appropriate programme and by the assessment of needs).

Finally it is recommended that a continuing organisation akin to the Review Body be created to monitor the progress of reform and to keep abreast of, and to report upon, changes in the industrial relations climate.

AN APPRAISAL

Since it is not unreasonable to suppose that the composition of an investigatory body can on occasion influence both its analysis and its conclusions, an appraisal of this Report may have the structure of the Review Body as its first subject.

As has been noted, trade union and employer interests were predominant. Although a considerable amount of information and analysis was obtained from a range of sources - especially the civil service - the conclusions and recommendations contained in the *Report* may nonetheless be said to reflect an agreed judgement (produced perhaps by something akin to a bargaining process) by the two main parties of the industrial relations system in Northern Ireland. In this respect, the *Report* differs from that of the Royal Commission on Trade Unions and Employers' Associations, for, although that body's membership included individuals who could be said to represent the viewpoint of trade unionists and employers, it had the normal Royal Commission's complement of persons drawn from a wide section of public life.

The *Report* of the Review Body may therefore provide a far more accurate indication of the future development of industrial relations policy than could the *Report* of the Royal Commission. The practical relevance of the Review Body's work is heightened by the unanimity of the *Report*; this is also in contrast to that of the Royal Commission, which contained considerable evidence of disagreement.

Whether the composition of the Review Body should be a matter of praise or blame is debatable. It could well be urged that a body so strongly influenced by trade union and employer interests would be more likely to produce results that were acceptable to the everyday needs of industry than a conventionally constituted Royal Commission. It might also be

justifiable to argue that few persons, if any, who were outside the ranks of the trade unions, the employers and the civil service could contribute much of importance to an understanding of, or to an improvement in, the industrial relations system in Northern Ireland. Moreover, a considerable amount was known of the system of industrial relations in Great Britain, and to this system that of Northern Ireland had affinities. Close practical work, rather than elaborate research and model building, was therefore appropriate; such work could best be undertaken by trade unionists and employers.

On the other hand, a critic might suggest that the membership of the Review Body provided the two main participants with altogether too 'comfortable' an arrangement; in such circumstances, embarrassing criticisms may have been withheld, proposals for innovation in industrial relations could have been overlooked or neglected, and matters involving the public interest possibly put at a discount. For instance, it might be doubted whether a body so constituted would have been inclined to examine in sufficient depth the role that the law might play in industrial relations. However, although such an argument might be correct, it is not clear how its truth could be demonstrated on the basis of the evidence at present available. One of the general principles underlying the recommendations of the Review Body was that changes in the arrangements for the conduct of industrial relations in Northern Ireland should be specifically designed for, and thus suited to, local needs and conditions.^[40] The respective views of the trade unions and the employers on what were local needs and conditions are not made clear in the *Report*. Thus, although unanimity was achieved in the *Report*, it is impossible to say how 'comfortable' was this result.

The membership of the Review Body may partly account for the absence of much theorising in the *Report*. Nonetheless, there is a theoretical foundation, albeit of uncertain depth. An indebtedness to the *Report* of the Royal Commission is evident: the same nomenclature is employed, and the analysis centres on collective bargaining; some of the research conducted and information obtained by the Royal Commission was used for the Northern Ireland study.^[41] But above all, the Review Body

considered the Donovan thesis that the so-called formal system of collective bargaining (largely based on industry-wide structures) is in conflict with the informal and more relevant system of plant bargaining ... In our view Donovan's analysis is to a considerable extent applicable to Northern Ireland and many of our recommendations are aimed at achieving Improvements in collective bargaining at plant level. ^[42]

It is not therefore surprising that the recommendations of the Review Body and those of the Royal Commission should show similarities. Thus the proposal to secure the notification of procedural agreements has a parallel in the *Report* of the Royal Commission, as has that relating to the legal enforceability of collective agreements. The reforms suggested in the system of wages councils, and the creation of the LRA (which being designed to regulate and if possible to improve a voluntaristic system of industrial relations is analogous to the Industrial Relations Commission proposed by the Royal Commission), are also noteworthy in this respect.

The omissions in the Review Body *Report* on occasion also parallel those of the Royal Commission. Both sets of prescriptions tend to centre upon what are conceived to be immediate difficulties: longer-run issues receive less attention. Thus, the impact on the Northern Ireland industrial relations system of rapid technological advance and of changes in future manpower requirements are not pursued. Again, although the *Report* lays stress on communications in industry and emphasises the need for joint consultative machinery, the general question of industrial democracy is not followed very far; in view of the current debate on worker participation, particularly in the context of EEC membership, this is perhaps unfortunate.

Moreover, part of such analysis as there is on the subject may be open to question.^[43] However, in defence of the Review Body it should be noted that the LRA and the monitoring body^[44] provide a means whereby long-run problems can be studied; the same role could have been performed by the Industrial Relations Commission in Great Britain.

In one major respect, however, the *Report* of the Review Body differs from that of the Royal Commission, and the difference is perhaps surprising. Thus the Royal Commission devoted considerable attention to what might be termed 'economic' issues (e.g. problems of incomes policy, disorderly wage structures, and the efficient use of manpower). It is unreasonable to suppose that the Review Body should have commented on all these problems; for example, incomes policy is scarcely an issue that can be tackled in isolation in a relatively small region of the United Kingdom. However, there would seem to be an almost complete neglect of the economic dimension in the Review Body *Report*. This is a curiosity in a document treating of industrial relations in an area so beset by economic difficulties, particularly in the light of the allusion to the Development Programme 1970-75 in the terms of reference.

The adoption of a theoretical framework such as that set forth in the work of the Royal Commission is a perfectly proper procedure, but something more than abstractions is needed if useful prescriptions are to be derived. Here, in order to obtain a sufficiently detailed diagnosis, the Review Body have relied heavily upon an analysis of disputes and an appraisal of strike statistics.

Such an approach has strengths and weaknesses. The most obvious advantage is that no other method of inquiry permits of a more rapid and comprehensive collection of data on the problems of industrial relations. Although the results strictly constitute only an historic analysis rather than one possessing predictive power, it is not unreasonable to suppose that such trends as may be revealed are useful in indicating the current problems of the industrial relations system.

However there must be some reservations attached to this approach. Firstly such an analysis hinges on results obtained from a study of overt industrial conflict. It is thus possible that certain trends, which might seldom, or never, manifest themselves in open industrial conflict, could receive insufficient emphasis. Secondly, the analysis of disputes and the study of strike statistics may not in themselves be free from difficulties. The analysis of disputes, for example, is based on cases in which the officers of the Conciliation Service of the Department of Manpower Services 'were intimately involved in a typical year' although the study also took account of 'other past experience'.^[45] It is admitted, however, that the list of cases does not take full account of disputes in the engineering industry 'in which due to special internal procedural arrangements, conciliation officers are not often involved'.^[46] Since the engineering industry was identified by the Review Body as responsible for a very high proportion of working days lost through strike activity in Northern Ireland, this lack of emphasis on engineering may represent a deficiency. Again, the analysis of the key features of any dispute is not easy, and whilst it would generally be admitted that the Conciliation Service is staffed by officers of high calibre and considerable experience, no-one - least of all the officers themselves - would suppose that the result would be perfect. The interpretation of strike statistics has well-known difficulties, of which the Review Body was clearly aware. Thirdly, it might have been desirable to attempt a more extended analysis of such specific topics as: the reasons for the relatively better strike record which is claimed for Northern Ireland *vis-à-vis* the rest of the United Kingdom; the influence of industrial structure on the local strike record; and the balance of official and unofficial strike action.

It is difficult to assess the extent to which research other than on key disputes and on strike statistics influenced the Review Body. Clearly the material assembled for the Royal Commission proved valuable, and a number of local research projects may have provided useful background material. However, it seems possible that the combined industrial experience of the trade union and employer sides of the Review Body was felt adequate to provide the main source of information. This factor may account for one otherwise puzzling feature of the evidence presented, namely the relative lack of submissions from individual trade unionists and employers. It may also account for the lack of evidence or comment relating to the shipbuilding firm of Harland and Wolff, which is an exceedingly important employer in the Province, and which has experienced a number of labour problems.

The proposals of the Review Body have much to commend them. The endorsement of the philosophy of voluntarism and the concentration of effort on the reform of collective bargaining are likely to be acceptable to both sides of industry in the Province. In the LRA - in which the trade union and employer interests can make themselves felt powerfully - there may be a useful instrument of reform. Other more specific proposals are likely to find support. To tackle the problem of unfair dismissal on a statutory basis will advance the interest of the individual worker, although it will remain to be seen how far the proposed provisions for re-engagement or reinstatement will be utilized. That the LRA should act to resolve certain disputes amongst unions and between unions and their members appears to be an important suggestion, although much may depend upon the confidence which the unions concerned repose in the Agency. Again, the introduction of 'temporary bridging institutions' to deal with aspects of the low pay problem may prove an important innovation.

Nonetheless proposals that are made in order to maintain the efficiency of a voluntaristic system of industrial relations depend for their success upon the capacity of such a system to respond to reform. In this respect, the Review Body's proposals are subject to the same constraints as those imposed on the recommendations of the Royal Commission. The main impetus to reform must come from management, but there is significant evidence in the *Report* of the difficulty that management has in formulating and developing adequate industrial relations policies. It seems possible that, even with managerial goodwill, great difficulties may arise in securing a body of personnel officers who have the training and who are accorded the power to maintain industrial relations at a satisfactory standard in individual companies. Even more problems will arise if the management is recalcitrant, particularly - as may often be the case - if such management, being part of an enterprise with headquarters outside the Province, has been granted little autonomy in industrial relations matters. It is difficult to see what pressure could be brought to bear to induce reform in such circumstances.

The position of employers' associations will also be likely to prove important, for clearly they can provide valuable services for firms encountering industrial relations problems. The *Report* says very little on the organisation of employers' associations: it acknowledges the possibility that such bodies could be rationalised; and the CBI would appear to be aware that industrial relations reform will call for improvements in its local organisation; but the process of change may be slow.

There are important implications from the trade union standpoint. Because so many trade unions in Northern Ireland are segments of larger organisations, significant structural change in trade unionism is unlikely to be engendered from within Northern Ireland. The same seems likely to apply to changes in the organisation of individual unions. Therefore, in-so-far as the structure and organisation of trade unions causes industrial relations problems, it seems that such problems will not readily disappear. In this respect the problem of

the full-time officer is perhaps crucial. More trade union officers, and improved training for them, is called for. This is recognized as having financial implications, but it is appreciated that subscription rates and the expenditure of union funds 'are largely determined by levels which apply in Great Britain.'^[47] Financial problems are likely to hamper attempts to improve shop steward training, and the call for the expansion of the existing research and information services provided by the NIC is bound to encounter the same difficulties. A further strain will be imposed on the NIC if it has to deal with a greater volume of casework arising from inter-union disputes. Since the NIC is thus likely to figure prominently in the implementation of reform, it is a matter of regret that the strengths and weaknesses of this body were not subjected to a more explicit treatment in the *Report*.

No general solution to the problem of the cost of reform to management and trade unions is indicated, but it would seem from a rather oblique comment^[48] that the Review Body has considered that the provision of public funds might prove an answer.

There are other considerations. For instance, although the *Report* calls for reform, the reader is not left with the sense that the system is in a state of crisis. The emotive language that in a few instances appeared in the *Report* of the Royal Commission is absent; there is no comparable stress on the damage (if any) occasioned by strike activity in the Province, and there is no radical programme of reform such as that which commended itself to the supporters of the Industrial Relations Act 1971. It may indeed be argued that the system of industrial relations in Northern Ireland is performing reasonably well, that such informality as exists in the system is not causing serious disorder, and that current arrangements have the virtues which the Royal Commission found in those of Great Britain: they are 'comfortable', flexible and give 'a very high degree of self-government in industry'.^[49] Such a situation may militate against any significant or rapid changes in the system of industrial relations in Northern Ireland.

CONCLUSIONS

The *Report* of the Review Body constitutes the most detailed analysis of the industrial relations problems of Northern Ireland that has yet been published. It is a document that expresses a practical and somewhat cautious attitude to changes in the local industrial relations system and which has clearly been influenced considerably by the philosophy underlying the *Report* of the Royal Commission.

It remains to be seen whether the proposals of the Review Body will prove adequate to meet the rapid social and economic changes that may overtake the Province in the next few years. Certainly it may be argued that a number of changes in the climate of industrial relations (e.g. developments in respect of worker participation) in the United Kingdom since the time of the Royal Commission have not received sufficient emphasis. However, much depends on the LRA and the monitoring body, since these institutions seem likely to be the main agencies of reform. In this respect there are grounds for optimism. Understanding amongst the two sides of industry and government has been good; the fact that a local equivalent of the Industrial Relations Act 1971 has not been introduced is both a cause and a symptom of this state of affairs. The existence of the Review Body itself has also helped since its members have thereby been convinced 'of the value of joint determination of the machinery and processes which are most appropriate to this Province, and of industrial relations being administered in an atmosphere of mutual co-operation, sincerity and goodwill. Our Report is the outcome and reflection of these qualities...'.^[50] Moreover, at the annual Northern Ireland Conference of ICTU, held in May 1974, the *Report* of the Review Body was endorsed. Therefore the LRA and the monitoring body would be likely to receive the support of trade unions, employers and of

a civil service that is highly knowledgeable and respected in industrial relations matters. The LRA and the monitoring body could be set up fairly rapidly, and both could speedily acquire a grasp of local problems that institutions serving larger areas sometimes fail to obtain.

Yet the significance of the Review Body's *Report* lies deeper than the success or failure of its proposals, for although this is a document that expresses a voluntaristic philosophy it nonetheless contains proposals for the creation of institutions that are themselves a reflection on the adequacy of voluntarism and which to some degree must put voluntarism on trial.

There are, of course, other forces at work in Northern Ireland that may upset all calculations. The task of the Review Body was undertaken at a time of great political stress. A critic might point out that the reader obtains no indication from the *Report* that Northern Ireland has been enduring what is probably the most violent conflict seen in Western Europe since the Second World War, and that the trade union movement, like many other local institutions, is under considerable internal stress. The authors of the *Report* are implicitly expressing a view held by many in Northern Ireland, namely that day-to-day reform must go on, even though it is undertaken in uncertain and dangerous times.

FOOTNOTES

1. *Industrial Relations in Northern Ireland: Report of the Review Body 1971-74*, HMSO, Belfast, 1974, para. 6.
2. A brief outline of the economic links between Northern Ireland and Great Britain is given in *Northern Ireland: Finance and the economy*, HMSO, London, 1974.
3. In 1971, the year in which the Review Body was set up, unemployment in Northern Ireland stood at 7.8 per cent, whereas for the United Kingdom the level was 3.5 per cent. *Abstract of Regional Statistics*, No. 9, HMSO, London, 1973, Table 35.
4. In 1971 Gross Domestic Product at factor cost *per capita* in Northern Ireland was 72.5 per cent of that of the United Kingdom. *Op. cit.*, Table 70.
5. In the period mid-1961 to mid-1971 the average annual natural change in the population of Northern Ireland was 17.3 thousand; the average annual net emigration was 6.7 thousand. *Op. cit.*, Table 10.
6. There have been some local divergences. For example, no local measure equivalent to the Trade Disputes Act 1965 was passed, and the provisions of the Trade Disputes and Trade Unions Act (Northern Ireland) 1927 that require a person to 'contract in' to the political fund of a trade union are still in force.
7. Under the terms of the Trade Union and Labour Relations Act 1974.
8. Irish Congress of Trade Unions Research Service, *Trade Union Information*, No. 167, January 1972, p. 2.
9. The ICTU was set up in 1959, replacing both the Irish Trade Union Congress and the breakaway Congress of Irish Unions which had for fourteen years been in contention. See K.I. Sams, 'The Creation of the Irish Congress of Trade Unions', *The Journal of Industrial Relations*, Vol. 8, No. 1, March 1966.

10. The Annual Report of the ICTU includes the Constitution and Standing Orders of the Congress. For the constitutional position of the NIC, see 'Constitution of the Irish Congress of Trade Unions', para. 38 in *Irish Congress of Trade Unions, Fifteenth Annual Report*, ICTU, Dublin, 1973.
11. Irish Congress of Trade Unions Research Service, *op. cit.*, p. 2.
12. In certain 'new' industries, for example man-made fibres, this is a marked characteristic.
13. *Report of the Review Body*, para. 175.
14. *Op.cit.*, para. 174
15. *Economic Development in Northern Ireland including the Report of the Economic Consultant Professor Thomas Wilson*, Cmnd 479, HMSO, Belfast, 1965.
16. *Northern Ireland Development Programme 1970-75*, HMSO, Belfast, 1970.
17. *Op. cit.*, p. 94.
18. *Ibid.*
19. *Ibid.*
20. *Op cit.*, p. 95.
21. *Op. cit.*, p. 97.
22. *Op. cit.*, p. 95.
23. *Op. cit.*, p. 96.
24. *Op. cit.*, pp. 97-8.
25. *Royal Commission on Trade Unions and Employers' Associations 1965-1968: Report*, Cmnd 3623, HMSO, London, 1968.
26. Irish Congress of Trade Unions, *Thirteenth Annual Report*, ICTU, Dublin, 1971, p. 328
27. *Report of the Review Body*, para. 216.
28. *Op. cit.*, para. 246.
29. *Op. cit.*, para. 247.
30. *Op. cit.*, para. 248.
31. *Op. cit.*, para. 384.

32. *Op. cit.*, para. 250.
33. A court set up in Northern Ireland under the Industrial Courts Act 1919 and thus unaffected by the provisions of the Industrial Relations Act 1971 in respect of the Industrial Court set up in Great Britain under the 1919 legislation.
34. *Report of the Review Body*, para. 293. –
35. *Op. cit.*, Appendix VII.
36. *Op. cit.*, para. 339
37. An Appeals Board was set up by the ICTU in 1963. A member or members of a union affiliated to the ICTU may in certain circumstances complain to the Board against the organisation to which they belong. For the constitutional position of the Appeals Board, see ‘Constitution of the Irish Congress of Trade Unions’, para. 49 in *Irish Congress of Trade Unions, Fifteenth Annual Report*, ICTU, Dublin, 1973.
38. *Report of the Review Body*, para. 357.
39. *Op. cit.*, para. 375.
40. *Op. cit.*, para. 246.
41. *Op. cit.*, para. 14. See also para. 275 where there is a clear and declared indebtedness to Professor G.S. Bain in respect of the work on trade union growth and recognition that he undertook for the Royal Commission.
42. *Op. cit.*, para. 301.
43. Thus the Review Body maintain that there is a case for negotiation and consultation being carried out by the same body. *Op. cit.*, para. 330. The case is not set out, nor are its implications considered.
44. See ‘The Review Body’s Proposals’, *supra*.
45. *Report of the Review Body*, para. 193.
46. *Op. cit.*, Appendix V.
47. *Op. cit.*, para. 414.
48. *Op. cit.*, para. 436.
49. *Royal Commission on Trade Unions and Employers’ Associations 1965-1968. op.cit. paras. 127-9.*
50. *Report of the Review Body*, para. 497.