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Conciliation and Arbitration on the Ropes (again): The Case of Trinidad and Tobago

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Introduction

Conciliation and arbitration have been a mainstay of industrial relations systems in the antipodes for much of the past century. Indeed, in terms of national systems, they have stood out from the crowd. Much has been written by scholars over the years about the history of these developing systems in New Zealand (Holt, 1986) and Australia (Perlman, 1954) and, from time to time, these systems have been heralded as progressive and reformist in their approach. The New Zealand system was abandoned in 1991 with the advent of the Employment Contracts Act (Harbridge, 1993) – an act which promoted individual employment rights over collective ones. The Australian system remains formally intact, though under significant duress (Nolan, 1998).

However, another of Britain's colonies, Trinidad and Tobago, adopted a system of conciliation and arbitration not dissimilar to that applying in New Zealand and Australia, though comparatively little has been written about its success and failures. Nurse (1980), Chaundhary (1977), Henry (1972), Khalid (1980) and Smith (1997) are exceptions to the rule but have received scant attention in the antipodes. This note reviews the development of conciliation and arbitration in Trinidad and Tobago – tracing the rise, and more recently, fall of unionisation, and any resultant collective bargaining.

Trinidad and Tobago

In 1498, various islands in the Caribbean Sea were claimed by Christopher Columbus for the Spanish Crown. Spain however had no easy run with maintaining its rights. In addition to local resistance from Caribs and Arawaks, there were constant raids by the English, Dutch and the French through the 17th Century. By the early 1800s, Britain had

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colonized more than a dozen countries in the Caribbean, including Trinidad, which became a British Crown Colony in 1802. The neighbouring but smaller island, Tobago, became a British Crown Colony in the same year, with the two countries remaining separate until Tobago was merged with Trinidad in 1888, as it was no longer considered a viable separate economy.

The colony of Trinidad was administered by a Governor who was assisted by a Council of Advice and a Cabildo elected by local taxpayers. Over time the Council evolved into the nominated Legislative Council and the Cabildo became town council for the capital, Port-of-Spain. The laws of Trinidad were extended to Tobago following the merger in 1888. Tobago was administered by a Commissioner appointed by the colony's Governor.

Pressure for independence for Trinidad and Tobago grew in the 1920s at a time when the country had only a limited form of electoral representation. Universal adult suffrage was adopted in 1945 and following an election in 1956, the Peoples National Movement (the majority party) instituted constitutional talks with Britain, which gave the country full self-government and a bicameral legislature. Full independence was achieved in August 1962 and the country became a Republic in 1976[1].

Trinidad and Tobago is a small Republic with a population of some 1.3 million. The labour force participation rate in 1996 was 60.5 percent, with some 444,200 people being employed. The unemployment rate in 1996 was 16.2 percent with some 86,100 people being unemployed (Central Statistical Office, 1996). Economic information about the republic of Trinidad and Tobago can be found in Central Bank of Trinidad and Tobago (1996) and Ministry of Finance (1997). The development of combination and trade unionism in Trinidad and Tobago has occurred over four distinct phases: Phase 1 for the period pre 1937; Phase 2 from 1937 – 1965; Phase 3 from 1965 – 1972; and Phase 4 from 1972 – the present. Developments in each phase are discussed in the following sections.

Phase 1: Beginnings (pre 1937)

The British model of voluntarism operated in Trinidad and Tobago in a largely unfettered manner until 1920 when, following a series of strikes stimulated by a successful dock strike in 1919, the colonial authorities introduced Ordinances prohibiting strikes and lockouts and making provision for compulsory arbitration and an industrial court. There was also an Ordinance on Sedition. Whilst the provisions of the Sedition Ordinance were aggressively pursued with many strike leaders being deported to their country of origin, those providing for compulsory arbitration and the establishment of an industrial court did not progress any further than the statute book. This seemed to confirm the dominant view of the time that strikes were more to do with agitation than genuine industrial grievances

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[1] Historical information sourced from http://www.tcol.co.uk/trinid/trin2

(Thomas, 1989: 18). Although the Trade Union Ordinance in 1933 allowed for the formation of trade unions it made no provision for trade union recognition and, in practice, the state was largely passive and remained so until the industrial unrest in 1937[2].

Following the intense labour disputes of 1937, the state established the Foster Commission which recommended the establishment of a Department of Labour and an Industrial Court. The Department was indeed established, but only as an advisory body; however the Court was not. The resulting legislation, the Trades Disputes (Arbitration and Inquiry) Ordinance was based on the United Kingdom Industrial Courts Act, 1919. This provided for voluntary conciliation and arbitration of industrial disputes through either an Arbitration Tribunal or a Board of Inquiry. Reference to the Tribunal or Board was made by the Governor, but only with the agreement of both parties.

Phase 2: Conciliation and arbitration develops (1937 – 1965)

The beginnings of industrial relations regulation in Trinidad and Tobago gestated then through the period from 1920 – 1965. From 1948 – 1963, there were fourteen Boards of Inquiry, only one of which resulted in a total rejection of the union position (Smith, 1997: 24). Common law provisions applied and voluntarism a la the British system developed. There was no requirement for trade union recognition and accordingly employers could choose not to recognise a particular union should they so desire. No recognised system of collective bargaining was in place, and those collective agreements that were negotiated had no legal status. As collective agreements were not binding, they were frequently breached at will by the respective parties. Dismissals could only be challenged as "wrongful" under common law and through the High Court except where collective agreements specifically provided for alternative procedures – such alternatives were apparently rare. Finally, there were only limited restrictions[3] on strikes or other forms of industrial action (See Khan, 1999).

With the growth of industrialisation following World War 11, unionism grew, and not surprisingly, so too did strike activity as unions pressed for recognition. By 1953 the Government was sufficiently concerned at the developing situation that it commissioned

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2 Some might disagree about our representation of the state as largely passive. Thomas (1989: 4) chronicles a schedule of Ordinances which he felt fell within the description of "labour legislation". His schedule prior to 1933 includes Ordinances on Industrial Training (1931), the Workmen's Wage Protection Ordinance (1929) which prevented wages being paid in premises licensed for the sale intoxicating liquors, and a 1923 Ordinance for the Expulsion of Undesirable Aliens.

3 The 1943 Trade Dispute and Protection of Property ordinance prohibited strike action in certain public services.

Table 1: Strikes statistics in Trinidad and Tobago 1960 – 1996

Year	Strikes	No. of workers	Striker days
1960	31	21,048	275,223
1961	35	12,322	145,105
1962	75	15,962	164,657
1963	48	17,799	204,971
1964	44	8,097	95,906
1965	4	7,160	88,057
1966	1	N/A	40
1967	5	600	3,100
1968	9	100	17,600
1969	9	2,800	20,000
1970	64	11,300	99,600
1971	71	18,000	139,800
1972	32	8,500	24,200
1973	84	18,700	113,300
1974	78	55,600	253,200
1975	88	35,700	777,400
1976	44	26,729	133,826
1977	16	5,413	104,149
1978	38	10,921	112,748
1979	42	10,239	215,932
1980	24	7,591	118,414
1981	14	2,588	51,123
1982	11	2,546	20,521
1983	34	4,702	54,681
1984	30	12,380	259,654
1985	38	6,932	76,554
1986	16	1,230	80,707
1987	10	2,695	30,824
1988	11	1,005	7,102
1989	24	6,735	91,070
1990	14	3,850	10,439
1991	16	2,843	15,673
1992	17	5,901	69,258
1993	24	11,735	29,099
1994	8	2,079	11,286
1995	14	5,965	209,492
1996	28	2,824	680

Source: Adapted from Smith (1997) and Central Statistical Office Annual Statistical Digest

a further Inquiry. The Dalley Report found that true collective bargaining had largely failed: weak unions were largely ignored by employers; stronger unions were refusing to take into account an employer's circumstances; and the state of the economy of the country was not viewed as relevant. Dalley recommended that voluntary collective bargaining should be supplemented by agreed arbitration by an independent tribunal in the event of a genuine deadlock (Chaundhary, 1977). The Government did not act on the Dalley Report at that time, and in the decade to follow, union organisation improved and with it strike activity grew markedly (see Table 1). In the five year period from 1960 to 1964, there were a total of 230 strikes, with a total of 74,500 workers involved. These workers lost some 803,000 person-days, and TT$4.5 million in wages. The Government lost some TT$4.2 million in revenues through lost taxation. Strike activity mainly focused around the issues of union recognition, grievances, and the negotiation or re-negotiation of collective agreements. The situation was described as one of "warfare" (Chaundhary, 1977: 123).

Phase 3: The Industrial Stabilisation Act 1965 (1965 - 1972)

Governments respond to strike activity with legislation, and Trinidad and Tobago was to be no exception. Having gained independence three years earlier, the Government passed the Industrial Stabilisation Act in 1965. After independence, the Government was seeking foreign investment and capital through a policy of "industrialisation by invitation" and accordingly sought to offer a "safe" investment. The Industrial Stabilisation Act with its restrictions on strikes was central to this policy. The Act developed the voluntary system of conciliation and arbitration of the earlier Ordinance. A system of compulsory conciliation and compulsory arbitration was introduced. The issue of union recognition was resolved by introducing a judicial mechanism; the ability to strike legally was effectively prohibited unless the Minister of Labour sanctioned it[4]. In setting the framework for the legal relationship between unions and employers, the Act imposed the requirement on employers to recognise, treat, and enter into negotiations with trade unions for the settlement of trade disputes. The benchmark for recognition was 51 percent or more of the workforce (reduced to 50 percent in 1967) and in the event of there being any doubt as to the accuracy of the union's claim on this, there was a compulsory process ending with the Industrial Court. Combination, which had previously been allowed in an unfettered manner, was now the subject of restrictions. The benefits that came with these restrictions, did however, ensure that unions could force employers to negotiate and settle collective bargains.

In dealing with trade disputes, the Industrial Stabilisation Act set out the process of compulsory conciliation, with disputes initially being referred to the Ministry of Labour

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[4] The "right to strike" was tested through to the Privy Council (Collymore and Abraham v Attorney General of Trinidad and Tobago) with the not unsurprising decision being that there was no "right to strike" set out in the Constitution and that common law did not give this right either.

and, in the event of continuing disagreement, going to the Industrial Court for a binding settlement. All industrial agreements were required to contain provisions for dealing with disputes, were valid for between two and three years, and were registered by the Court. They were legally binding on the parties and therefore formed part of the individual contract of employment. Strikes and lockouts were prohibited unless the trade dispute had been reported to the Minister who had failed to report the matter to the Industrial Court within 28 days. In practice, the minister ensured each trade dispute was so reported, so strikes were generally not allowable. Further, industrial action was not allowed once the matter was before the Court, if the parties were engaged in "essential services" or were "public officers". Notwithstanding these provisions regarding strikes, the Act was successful in curtailing strike activity only in 1965. Thereafter the numbers of working days lost through strike activity grew sharply as is demonstrated by the data in Table 1.

The philosophy behind the legislation was similar to that behind the systems of compulsory conciliation and arbitration that had developed in New Zealand and Australia: that it was possible to substitute a judicial process for strikes and that in turn this would reduce the perceived damaging economic effects of strikes (Smith, 1997). One key difference however, was that the Trinidad and Tobago system was not designed to be a multi-employer system. Rather bargaining was based around bargaining units – which inevitably were workplace based.

Phase 4: The Industrial Relations Act 1972 (1972 to 1999)

Part of the argument for compulsory arbitration is that it provides an alternative to strikes. Substitution of one for the other was sought through the Industrial Stabilisation Act. At the outset it appeared that such a substitution was indeed taking place. As the number of trade disputes reported to the Ministry increased, so the number of strikes dropped from 44 in 1964 to one in 1966 and stayed in single figures until 1970.

The initial effects of the Act must have seemed impressive, justifying the view that "the industrial peace which has reigned in the society ever since the Act bespeaks the extent to which the objects have been achieved" (Industrial Court, 1967:5). However the underlying trend was up and by 1970 strikes had jumped to 64 and striker days had surpassed those of 1964. More significantly, not only had strikes increased again, despite the law, but their intensity had deepened with an increase in strikes lasting more than 10 weeks. All these strikes were illegal, but penalties were rarely imposed. By 1970 the strike situation had returned to its pre-Industrial Stabilisation Act levels, and the law and the Court were largely being ignored. The reduction in strikes had not been maintained and employers had been successful in using the law to delay union claims. The Industrial Stabilisation Act had become a dead letter – killed by trade union militancy and employer intransigency.

In acknowledging the failure of the Industrial Stabilisation Act, the intention of its replacement, the Industrial Relations Act 1972, was to "make better provision for the

stabilisation, improvement and promotion of industrial relations" (preamble to the Act). The Industrial Relations Act 1972 did not reject the principles behind the earlier legislation: compulsory conciliation and arbitration were to remain the mainstay of the system, with strikes remaining essentially outlawed. The Act did however attempt to resolve difficulties that had become apparent. The major difficulties that had arisen over union recognition were to be resolved by the establishment of a Registration, Recognition and Certification Board – a Board independent of the Industrial Court. The Board's function was to determine bargaining units. A union seeking a certificate of recognition was required to apply to the Board, the first task of which was to ensure that a "community of interest" existed (IRA, s.33(1)). Once this was established the Board then needed to satisfy itself that the claimant union had "more than 50 percent of the workers comprised in the appropriate bargaining unit as members in good standing" (IRA, s.34(1)). In a major restriction of union organising rights, certification would not be granted if as a result, the union had bargaining units in two essential industries (IRA, s.38(4)). Collective agreements remained legally binding, were registered by the Court, and were still required to contain a disputes settlement provision. Strikes were permitted provided the dispute had not been referred to the Court but only within the seven days of an "unresolved certificate" being issued by the ministry. Further, strikes remained prohibited after a "stop order" had been issued by the Minister, if the worker was in an essential industry or the public service.

External events around this time had a remarkable impact. Trinidad and Tobago had been heavily dependent on oil. The International Monetary Fund observed:

> Oil and oil derived products on average made up 30 percent of GDP and over 90 percent of total exports over the last 20 years. Historically, fluctuations in the petroleum sector have always been the main driving force for fluctuations in the rest of the economy, including the labour market (IMF, 1997:15).

The oil shocks and booms of 1973 and 1979 provided real per capita GDP increases yet while labour increased its real income, it did not increase its share of the national wealth. Unemployment showed a steady decline from a peak of 16.9 percent in 1973 to a low of 9.9 percent in 1980. In a sense, this scenario contains an explanation of why the Industrial Relations Act survived. Strike levels remained relatively high, but unemployment was falling and GDP rising. In these circumstances, the ability of unions to extract concessions from employers was high. Pressure on the Government to redistribute oil revenues resulted in wage increases in the public sector that spread to the rest of the economy. The Act provided no impediment to union objectives in this period. It was, however, to shortly do so.

Employers had "used every possible device imaginable to postpone, delay or to avoid, recognition" (Hansard, 1972: 963) and in attempting to avoid this obstructionism, the whole question of recognition was given to the Registration, Recognition and Certification Board. Their first task, as identified earlier, was to apply the concept of "community of interest". This required the Board to understand each employer's operation in some detail, and resulted in an approach being developed which saw the separation of 'workers' from those in supervisory positions. At workplace level, this philosophy saw a proliferation of

small bargaining units, which, by their very nature, run against the concept of "collective bargaining". Unable to use the strength of collective bargaining, these small bargaining units must either repeat the same terms and conditions as the main bargaining unit in the enterprise, and hence have no independent existence, or cease to be viable and become inoperative. For the first decade of its life, the Recognition Board, created on average 18 percent of its bargaining units with less than 10 workers. Employers had similar scope as they had had under the previous legislation to delay the process of recognition. The Board was required to have regard to the views of employers, but no time limit was prescribed

Table 2: Recognition Board – Bargaining units in Trinidad and Tobago 1972 – 1997

Year	New Bargaining Units	Average time taken (months) for recognition	% BU with 10 or less workers	Total Bargaining Units
1972	169	6.94	20	169
1973	344	9.24	12	513
1974	114	13.39	13	627
1975	157	13.40	25	784
1976	116	11.14	16	900
1977	95	13.82	13	995
1978	90	11.43	22	1085
1979	58	13.72	24	1143
1980	62	12.34	22	1205
1981	44	15.25	16	1249
1982	52	13.37	37	1301
1983	52	13.92	25	1353
1984	21	14.40	29	1374
1985	18	15.80	33	1392
1986	21	19.50	38	1413
1987	14	18.02	21	1427
1988	15	16.19	60	1442
1989	4	28.65	25	1446
1990	21	25.21	48	1467
1991	28	23.97	46	1495
1992	19	25.32	58	1514
1993	15	35.77	27	1529
1994	8	55.44	NA	1537
1995	6	43.25	NA	1543
1996	0	-	NA	1543
1997	0	-	NA	1543

Source: Adapted from Smith (1997) and from the Registration, Recognition and Certification Board records.

for an employer to respond and the Board appeared reluctant to act without employer views. Accordingly, the length of time for registration has always been long – but has grown over the past 15 years. The data in Table 2 demonstrate that the average time taken for registration grew from 6 months in the early period of the Board's existence, to in excess of three years by the mid 1990s.

By any method of measurement, the work of the Recognition Board slowed dramatically during the period since 1982. Increased demand on the Board cannot be the reason for this development. During the first decade of its existence, the Board averaged 94 successful applications a year. By the first half of the 1980s this had dropped to 42. During and after 1986, during a depression, it fell to an average of 25. The economic climate of the depression and resultant high unemployment put unions on the defensive, leading to a decline in applications. However, the increases in both the time taken to process claims and the failure rate must lie with the Board, the criteria it had to apply, and the way in which it undertook its work.

An indication of the detail to which the Board worked can be seen from their Practice Note on the evidence to be produced to satisfy the "membership in good standing" criteria. Signatures on application forms were checked against those on pay sheets provided by the employer; evidence was required to show that the worker had been admitted to membership of the union; subscriptions were traced through bank accounts and receipts, and, cash books and membership ledgers were examined. This complex mechanism was to satisfy the requirement that the union had organised 50 percent of the workforce for an eight-week period prior to applying for recognition.

"Community of interest" and "membership in good standing" were given to the Board by the Act as central determining factors in bargaining unit recognition but these concepts were given without definition. The Board developed its own system through the Practice Note but in doing so, became itself an obstacle to recognition, unionisation and collective bargaining. During this period of high unemployment, unions were clearly unable to secure recognition directly and outside the Recognition Board system. Though the Board may not have added greatly to the stock of bargaining units, the legal framework, which made no provision for de-recognition, acted to curtail a decline. Employers were not able to embark on an active campaign of de-recognition, and accordingly bargaining units that would otherwise have failed were sustained.

It is not surprising that the continued, if slow, development in new bargaining units failed to show in increased union membership. The data in Table 3 traces the rise, and fall, of union membership in Trinidad and Tobago. Membership peaked in the early 1980s, but the rigour of the Board's actions on recognising new bargaining units ultimately led to a significant reduction in both union membership and union density.

Table 3: Union membership in Trinidad and Tobago 1965 – 1997

Year	Membership	Density of labour force
1965 (1)	80,000	25.0%
1966 (2)	94,470	30.0%
1970 (3)	94,900	30.0%
1975 (3)	107,500	33.0%
1981 (4)	142,000	36.2%
1982 (4)	158,000	39.1%
1985 (4)	100,000	25.1%
1990 (4)	100,000	26.7%
1997 (5)	87,989	19.8%

Sources: Adapted and compiled from Smith (1997) Original sources are:

(1) "By the end of 1965 there were about 40 active trade unions with a total membership of approximately 80,000 or roughly 25 percent of the labour force" Ramdin (1982: 203)

(2) Henry assessed trade union membership to be less than one third of the 370,000 labour force in 1969. His figures of 370,000 in fact represent the total workforce in 1969 not those in employment. The membership figure here has been extrapolated from Henry's estimate of "less than one-third" trade union density (Henry, 1972:259).

(3) Khalid (1980:224)

(4) Kiely, R. (1996:156)

(5) This is the Trade Union Register supplemented by NATUC affiliation figures. This is probably the most accurate assessment of trade union membership available.

Clearly by the mid-1990s, industrial relations were at a cross-roads in Trinidad and Tobago. Union density was lower than at any previous time since records were first kept in the mid 1960s. The work of the Recognition Board had slowed to a snail's pace, and in the most recent years, no new bargaining units at all were registered. The impact of the difficulties over recognition were reflected in a collapse in collective bargaining coverage. The whole of the 12 years from 1982 saw an increase in collective bargaining density of just 2.7 percent, which would, in reality, have been easily offset by unemployment and retrenchment. By 1993, collective bargaining density was estimated to be around 13.6 percent (Smith, 1997: 50) which represented around two thirds of the union density figure. In most countries, collective bargaining coverage outstrips union membership through factors such as blanket-coverage and free-loading (Visser, 1991) yet in Trinidad and Tobago, the reverse was true, as unions struggled to comply with the strict compliance required to establish "bargaining units" within their union membership.

Discussion: industrial relations regulation in Trinidad and Tobago

The principles that emerged from the development of conciliation and arbitration in Australia and New Zealand were threefold: laws tended to develop as a response to strike

activity; strikes were prohibited by laws which provided for systems of union regulation; and, in the absence of legal strikes, the law supplied a method of wage fixing. All three principles have been invoked in the case of Trinidad and Tobago.

Trinidad and Tobago has adopted three legislative systems to regulate labour relations matters since the 1930s. The first, the Trades Disputes (Arbitration and Inquiry) Ordinance of 1937 followed significant industrial unrest in the mid-1930s. The Ordinance provided for voluntary conciliation and arbitration of trade disputes under a voluntarist model. However, no restrictions on strikes were imposed and no system of union regulation was adopted.

The second, the Industrial Stabilisation Act 1965, was a response to significant levels of strike activity in the period 1960 – 1964. This Act extended the principles of the earlier Ordinance, making conciliation and arbitration compulsory and, unlike the provisions of the Ordinance, made strike activity more or less illegal. Union recognition was managed through the legislation and administered by an Industrial Court.

The third, the Industrial Relations Act 1972, was a response to the failure of the 1965 legislation to curb industrial action. While the Industrial Stabilisation Act had some early success in reducing strike activity, by 1970 and 1971 strikes were reaching an intensity surpassing 1964 levels. The Industrial Relations Act maintained the premise that strikes were generally illegal, maintained the system of compulsory conciliation and arbitration, but sought to resolve the difficulty over union recognition. A Registration, Recognition and Certification Board was established independent of the Industrial Court as a means of resolving earlier difficulties of employer intransigence over the issue of union recognition. While the Act set some general principles in place for the Board to follow, the Board, over time, developed its own extraordinarily rigorous and cumbersome procedures for ensuring that the requirements of the Act were being met. Not surprisingly, the restrictive nature of the Board's self-imposed guidelines led to a general failure for new bargaining units to be registered, and, in a time of economic downturn, unions themselves were unable to secure bargaining rights by alternative means. Collective bargaining coverage has gone nowhere fast under this system. Strikes and illegal industrial action continue in a seemingly unabated fashion.

The Trinidad and Tobago "model" of labour regulation has followed the conciliation and arbitration systems of New Zealand and Australia, without of course the multi-employer bargaining approach that enabled collective bargaining coverage to be high in these two latter countries. The legislation in Trinidad and Tobago that grew from strike activity, was, since the 1960s, designed to prohibit strikes, with strikes being replaced by a system of regulated bargaining. The regulation of bargaining brought with it the necessity to develop a system of union recognition. Unions had struggled to survive in a hostile environment until the 1933 Trade Union Ordinance gave formal legal approval to their existence, and the labour eruption of 1937 forced trade unions permanently onto the stage. They have, however, since the 1960s, and particularly since the mid 1990s, been fettered in undertaking their core activity, collective bargaining, by an administrative system of

recognizing bargaining units that has all but failed. The effect of this failure was that (illegal) strikes have proliferated. While collective bargaining is allowed, it would be difficult to argue that the existing system was both designed and working to encourage it. Curiously, major legislative change is probably not needed to alter this situation. The long standing opposition from some quarters of the trade union movement to the Industrial Stabilisation Act and its successor Act has long since subsided and trade union concern is now concentrated on amending the Industrial Relations Act rather than seeing an end to it.

Those areas that are seen as needing early attention are the prohibition of unions being allowed bargaining units in more than one essential service, which is seen as a major obstacle to union mergers, and the recognition procedures, which are clearly seen to have been a frustrating failure. Whilst no firm position has emerged in trade union ranks, views include either abolishing the Recognition Board and reverting to the Industrial Court to determine matters or to allowing unions and employers to resolve matters themselves with a legal mechanism to deal with failures to agree. There is also concern about the inequity of the penalties for illegal strikes and lockouts. For the employers there is simply a fine, but for the unions the threat of de-recognition – in other words, the threat of total annihilation at that workplace – is seen as a dramatic Sword of Damocles that needs to be eased in some way. What is clear, however, is that there is no overwhelming demand for a return to voluntarism of the pre-Industrial Stabilisation Act era. Currently, the system of conciliation and arbitration is on the ropes (again). Whether it can survive remains to be seen.

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