

A PLAN FOR THE RAILWAYS

*An attempt to apply the principles of Quadragesimo Anno
to the present dispute*

THE public, like the press, lives from day to day. It is not interested in labour disputes. Labour disputes are not news. It is only when a dispute threatens to end in a strike that headlines are given to it and interest is aroused. But then it is often too late. Tempers have been inflamed; the leaders on both sides have made statements, public statements, upon which, being self-respecting men, they cannot go back. The strike, whose threat made news, occurs, and there is more news; but the dispute which caused the strike has passed unnoticed. The student may find a reference to it tucked away in a corner of last month's newspaper.

Perhaps that is why the present dispute in the railway industry has caused so little comment. It does not threaten a strike; it is concerned with the question of conciliation machinery, and one can hardly see how that can cause a strike. But the men are restive under wage cuts, the Companies will most certainly resist any claim for a wage advance, and that, in the absence of adequate machinery, might cause a strike.

Up to March 1st last conciliation machinery did exist. It had been set up under the Act of 1921, but the Companies, finding it unsatisfactory, gave notice of withdrawal in 1932, and on March 1st it ceased to function. It must be admitted that the machinery was unsatisfactory; the fiasco of 1932 is enough to prove that. Yet it did serve its purpose sufficiently to show the desirability, and indeed the necessity, of some machinery for settling disputes without an appeal to force. It is with the form that machinery is to take that the present dispute is concerned. The Companies have put forward suggestions which the Unions refuse to accept.

In any consideration of these suggestions it must be remembered that the matter is one which closely concerns the

BLACKFRIARS

vocational group. It is plain that if the vocational group is to come in England it must be built upon what materials there are available. Every occasion must be used to make known the principles laid down in *Quadragesimo Anno*, and whenever possible the attempt should be made to see how those principles can be brought into practice.

Quadragesimo Anno sees as the main benefit of the group the abolition of conflict between classes with divergent interests, and this dispute is concerned fundamentally with just that question. Conciliation machinery should provide a means of taking matters out of the labour market, where economic necessity is the arbiter of justice. If such machinery can be devised for the railway industry it will be a great step in the direction of the vocational group.

The machinery of conciliation the Companies suggest consists of a Railway Staff National Council composed of equal numbers of representatives of the Companies and Unions, and above this a Railway Staff National Tribunal of three members, none of whom has any connection with railway affairs. Of these three, one is to be chosen from a panel nominated by the Companies, the second from a panel nominated by the Unions, and the third, the chairman, appointed by agreement. Only agreed questions of major importance may be taken from the Council to the Tribunal, and the decisions of the latter are to be binding on all parties. Its deliberations are to take place in private.

In answer the Railway Unions claim that the present machinery is adequate, a futile claim in view of its proved inadequacy. To the proposals of the Companies they object that there should be no limitation in the categories of questions that may be submitted to the Tribunal, that the latter should include members of the Unions and of the Companies as well as independent representatives, that its findings should be binding on neither party, and that it should sit in public. The machinery the Unions envisage differs from the old hardly at all, and in making their objections the Unions' leaders have shown a singular lack of constructive criticism.

A PLAN FOR THE RAILWAYS

TO clear the ground one or two of the differences can be disposed of at once. Since only questions of major importance will reach the National Council, minor issues being dealt with by the District Boards already in existence, the objection of the Companies to carrying to the Tribunal all matters which come before the Council loses much of its force. On this point the Companies should give way. They should concede also the claim of the Unions that the deliberations of the Tribunal should take place in public. The condition of the railways is a vital matter to the community; when we consider the railways as a group in the social organism we see at once that the public have a legitimate interest in the settlement of the conditions under which they operate. Only questions of importance, questions which if left unsettled might bring about a strike or lock-out, will be taken to the Tribunal, and it is precisely on those points that the community as a whole has a right to be informed. A corporation should not mean a close conspiracy.

On the constitution of the Railway Staff National Council both parties agree. This is good, since here we have the makings of a joint committee. Unfortunately, more is required for its effective working than even the Unions demand. Though its working may be termed conciliation, it would be nothing more than bargaining, one side making demands that the other side resists or seeks to cut down. It is plain that it is not the intention of the Companies to give any more information to the representatives of the Unions than they give at present; such 'conciliation' as the Council would afford would be bargaining between parties of which one conceals from the other information necessary for forming a judgment. The latter has no means of securing that information, must depend upon what is given to it, and is in consequence suspicious and in neither the mood nor the position to form a judgment. The National Council is a step towards the vocational group, but it is only the first step, and a very tentative one at that.

Before any real progress can be expected it is essential that the Unions be given accurate information on all mat-

BLACKFRIARS

ters pertaining to any question in dispute. Only in **this** way can suspicions be dispelled and sound judgments formed.

This Council will normally be the highest court. Those questions only will be taken to the National Tribunal on which there is disagreement so serious that it cannot be bridged in the Council.

The constitution of the Tribunal, however, opens up further difficult questions. Conciliation by means of joint discussion must have failed before a question reaches the Tribunal, and the constitution of a body formed according to the Unions' formula is plainly inadequate to that condition of affairs. The intrusion of a few persons representing the consumers and of an independent chairman will do little to help matters: the Tribunal will remain essentially a conciliation board. Nor do the suggestions of the Companies appear more promising. Their committee of three is almost certain to have a minority of one in its findings.

That a National Tribunal is necessary must be admitted. Equally plain is it that the State has an interest in the continued and efficient working of the railways. The State must preserve peace and the well-being of the community, and it is therefore within its province to provide a court for deciding questions on which the National Council cannot agree.

Such a court would consist of one or three judges from the Chancery Division assisted by two assessors, one appointed by the Board of Trade, the other by the Ministry of Labour. The judge, or judges, would make the decision; the assessors would have an advisory capacity, since they would be in a position to judge the effects upon the community of any decision reached. Proceedings would be in public, and the court would have authority to call as witnesses representatives of the consumers as well as of the Companies and Unions concerned. Evidence at least as regards these last would be given under oath and the court would have access to all the information it should demand.

A PLAN FOR THE RAILWAYS

To round off and make fully effective the scheme it would be necessary to give the judgment of the court binding force. This would necessitate denial of the right to strike. However, an important criterion of a just strike is that the suffering involved shall be less than the probable gain, a condition which can hardly be obtained in such a vital national service as the railways. In this case, then, a denial of the right to strike would be justifiable.

An objection which might be raised against such a court is that there are no principles by which it can guide itself. That can be put right at once. A minimum wage based upon the retail cost of living index; a maximum dividend which could be higher for the ordinary stock than for the guaranteed bonds; and conditions of service for all grades of employees. These matters would fall within the competence of the court, and to decide upon them it would be guided by the position of the worker as a partner in industry, by the social and economic necessity for a living wage, and by the conception of a just price. It would, in short, seek to apply just those principles of social justice which the vocational group is designed to implement.

It will be seen that this plan calls for considerable State intervention. That, however, would be nothing new for the railways, nor is it against the spirit of the Encyclicals. The railways are in a peculiar position; they are vital to the community and a fitting object for State control. We cannot expect to see granted to them that full autonomy which would belong to the normal vocational group. Looking forward to the time when the vocational groups will have been established we must expect to see them working within the framework of a charter drawn up by the State, for it is essential that quarrels should be prevented from leading to strikes and lock-outs that would do serious harm to the community.

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