

**HUGH LAWSON SHEARER TRADE UNION EDUCATION INSTITUTE  
INAUGURAL DISTINGUISHED LECTURE SERIES**

**THE HISTORY AND DEVELOPMENT OF THE MODERN LABOUR MOVEMENT: LESSONS FROM  
THE PAST, PROSPECTS FOR THE FUTURE**

**To commemorate the 80<sup>th</sup> anniversary of the labour uprising and the birth of the modern  
trade union movement in Jamaica in May 1938**

**THE UNIVERSITY OF THE WEST INDIES REGIONAL HEADQUARTERS**

**TUESDAY MAY 22, 2018**

THE MOST HON. P J PATTERSON, ON, OCC, PC, QC

***The Emerging Conditions and Context***

A full century after the emancipation proclamation in 1838, the social, economic and political conditions which provided the institutional setting for slavery, still remained as the bedrock of the Jamaican society. However, in 1938, the confluence of three streams of political activism were to alter the course of Jamaica's development for the next eighty years. It had, indeed, been a long time coming since the end of Emancipation, but the workers of Jamaica knew a change was gonna come, and oh yes it did.

Prior to 1938 we began to witness the reshaping of the anti-colonial struggle manifesting itself in a social awakening and the flowering of new political groups [like the Social Reconstruction League, the National Reform Association, the Jamaica Progressive League, the Jamaica Union of Teachers and the Jamaica Agricultural Society, among others.] The intellectual fervour of black consciousness and black nationalism that followed on the worldwide movement led by Marcus Garvey threw up a brand of leaders and leadership that evoked a national spirit centred on racial self-respect and gave greater meaning and purpose to those fledgling organizations which sought to end our marginalization and exploitation.

Then there was the rise of the labour movement and the birth of trade unions that was to challenge the assumption about our rights and pride of place in society. As CLR James puts it, the workers resisted the notion that they were merely to be seen as spectators who were "to observe their masters from beyond the boundary", and never to be seen on the field of play.

As we commemorate today the 80<sup>th</sup> anniversary of the labour uprising and the birth of the modern Trade Union Movement, I speak as one who is umbilically connected to the struggle for

building an egalitarian society in which the workers of Jamaica occupy their rightful place and obtain their just rewards. I regard the fight for social justice as one and indivisible.

Among the first trade union organisations recorded in the late 1890s were the Artisans Union, the Jamaica Union of Teachers and later the Printers' Union to which Marcus Garvey was associated during his work as a foreman at P J Benjamin's Printing Shop. Trade Unions were then illegal, and any attempts by workers to act in concert in support of their rights and interests were deemed to be acts of criminal conspiracy by the Colonial authority.

History records that by around 1917-1918 no known trade union organisation could be registered. It was immediately after the ending of the First World War, and the British Government's attempt to rebuild its economy through the efforts of West Indian labour, that the material conditions threw up a series of labour activities that led to the formation of the Longshoremen's Union No. 1 and Bain Alves success in getting trade union recognition in 1919.

Governor Sir Leslie Probyn had earlier turned down a request for granting legal status to trade unions; but working class protests erupted across the country and forced the Governor to bring legislation to have the Trade Union Act passed in record time.

### ***The Birth of the Modern Labour Movement: the formative years***

By the early 1930s no record of any trade union organisation existed. Like the post-WWI aftermath, the Great Depression of the 1930s created conditions which were unbearable for the Jamaica workers and led them to once again organise themselves into trade unions, beginning with the formation of the first blanket trade union, the Jamaica Workers and Tradesmen Union (JWTU) in 1936, led by Alan George St. Claver Coombs and Hugh Buchanan.

The material conditions which existed in Jamaica at the time, also existed across the British West Indies. Prior to the labour uprising in Jamaica in 1938, British Honduras (now Belize), St. Kitts, St. Vincent, St. Lucia, Trinidad and Tobago and Barbados all witnessed social unrests and upheavals. The anti-colonial struggle was gaining momentum, and the conditions of the peasants and working class had become intolerable.

As the Martiniquan born philosopher Frantz Fanon pointed out, many of those in the fight against colonialism were focussing on issues relating to low wages and salaries, matters relating to forced labour and corporal punishment. It was these inhumane conditions which precipitated the labour uprising, and merged with those who realized the impossibility of changing them so long as the plantation system was protected by imperial control. Gordon K.

Lewis, in his celebrated book, 'The Growth of the Modern West Indies', attributed the formation of class awareness to the history of the labour struggles. But the labour struggles in the 1930s were often spontaneous and unorganised, and would otherwise have dissipated had it not been for the organisation of workers into trade unions to give expression to their cause.

Political unionism was therefore both a cause and a consequence, and came to be an important development in the building of the Jamaican landscape for the next forty years. Many leaders straddled both the national political movement and the labour movement and provided the influence which defined the relevance and sustainability of trade unions.

At the age of three and in the hills of Hanover, I was aware of an unusual hustle and bustle in the air although unable to appreciate exactly what was taking place just a few miles in Frome.

When I came of age and spent time with my eldest uncle who was a Foreman on the Belle Isle Estate, I learnt from him all that had transpired during those exciting and turbulent days.

### ***The catalysts to the labour uprising***

In 1938 the English sugar refiners, Tate & Lyle became heavily involved in sugar production and set about to build a factory in Frome, Westmoreland. The prospects for work among a growing unemployed population of the black masses quickly attracted hundreds of persons to Frome. The idea that hundreds of workers would be employed turned out not to be true, and the promise of paying wages at the minimum wage of four shillings a day, also proved to be 'fake news'. In some instances, workers even received less pay than was originally offered to them. The result: the outbreak of protest actions and demonstrations leading to violence and the loss of lives.

Two weeks later, we had the Kingston Waterfront workers taking strike action demanding an increase in their hourly rates. The demands were not met and the strike spread as other workers joined in to protest the low wages and poor working conditions. Stores, garbage collection and general commercial activities were crippled because of the strike action on the part of the workers. On both occasions, at Frome and on the Waterfront, Bustamante entered the fray and offered his assistance initially as a mediator, and not as a labour leader.

"We didn't start the strike.

I offered my services as an intermediary.

The shippers would discuss nothing unless the workers go back to work. They can't talk to you like that and I am going to tie up every wharf until they will talk with you sensibly."

In the days leading up to May 23, Bustamante and St. William Grant emerged as key figures on behalf of the workers. Bustamante by then no longer wanted to mediate, but to agitate. His arrest and that of Grant on May 24 1938 was the spark which resulted in the country's first general strike engulfing the entire country. In their absence, Norman Manley offered his service to the cause of labour. The Daily Gleaner of May 25, 1938 carried a front-page story in which it stated that Norman Manley was intervening in the dispute, and further went on to state that:

"Mr. N. W. Manley, K.C. has come out to represent the cause of the labourers with a view to having their grievances remedied and so has placed his services at the disposal of the working classes to present their cases to the employers and authorities."

It was not only the material circumstances – low wages, and poor working conditions – which precipitated the labour unrests and social strife. There was also the rigid class stratification and racial and ethnic sensitivities which plagued the workplace and reinforced hierarchical structures of indignity and disrespect for a permanent class of black manual workers at the bottom of the occupational ladder. The struggle of the working class was therefore seen as pivotal to the building of class awareness.

The mere existence of a law to give legal recognition to trade unions, and the subsequent organisation of workers into trade unions were necessary but not sufficient conditions for the struggle to sustain itself. The trade union movement had to survive and grow with a clear philosophy of its role in shaping society.

The significance of 1938 as a watershed period in Jamaica's political history must not be misrepresented or understated. The period following the May 1938 uprising proved to be the most critical in defining Jamaica's trade union movement, even if the movement was not yet fully immersed in the wider struggle for political self-government. The strikes and general labour unrests during the period were not the work of any trade union organisation. In many instances the strikes and protest actions were spontaneous, disorganised and had no definable strategy.

### ***The survival of the Movement***

Norman Manley the Lawyer never became a Trade Union Leader, but he was undeniably one who conceptualised the hope that "some group of responsible people would recognise the

necessity for organising proper trade unions in this country.” He was a leading architect in the design to build the organisational structure on a labour platform that would last well into the future. At the launch of the Party in 1938, he declared once again that he had “no ambition to be a labour leader” but linked his Party to the broader struggle of the people.

William Alexander Bustamante emerged as the central figure and the undisputed Leader of the labour movement and built the BITU as the first dominant and sustainable Trade Union, an indomitable Leader, whose legendary feats we find compelling reason to applaud today.

Norman Manley set out his thoughts on the objectives to be pursued by the Labour Committee. These included:

Representing the different groups of workers before the Conciliation Board and to negotiate on their behalf;

Dealing with the organisation of trade unions; and

Preparing and advocating a programme for the general improvement of labour conditions.

In assessing Manley’s role in the labour struggles of the 1930s, Hart noted the following:

“As is evident from his (Manley’s) memoirs, the ‘ugly frame of mind’ of the workers which he had sensed on his perambulations around the city on May 24 had disturbed him. He had also deplored the ‘confusion and disorder endangering people’s lives, destroying property and compelling Government to call out armed forces’. The institutionalisation of the working class struggle would obviously be preferable, from his point of view, to the spontaneous, unorganised, indisciplined and sometimes violent upheaval which was still running its course in Jamaica at the end of May.”

Despite the efforts of Bustamante, Grant and Manley the agitation among the workers continued and quickly spread across the country. The protests were no longer confined to workers and their demands for higher wages and improved working conditions, but the peasants organised themselves and through their leader, Robert Rumble, agitated for lands and the abolition of rents.

The social explosion in Jamaica was replicated across the British West Indies and forced the Colonial Government to establish a Royal Commission to investigate the social and economic conditions which led to the disturbances across the region.

By the end of May, Manley had come around to accept the need for a political party dedicated to the mission of serving the working class. The labour uprising, in his view, was a direct challenge to the inherent injustices of the plantation society and the weakness of the Crown Colony System. The political disenfranchisement, the economic disparities and the deep social cleavages painted a tapestry of a Jamaican society, 100 years after Emancipation, yearning for change. The cause of labour and the politics of change would therefore form a perfect alliance under the banner of the progressive movement.

The political ferment had taken shape during that period, as it became patently clear that the majority of Jamaicans, who had endured chattledom and indentureship, had inherited the right to speak in their own cause. Norman Manley had been persuaded by a deputation led by O. T. Fairclough to lead a political party <sup>1</sup>“that would marshal progressive ideas current at the time, and guide the development of Jamaica into a self-governing nation.”

Norman Manley proclaimed at the launch of the PNP, in September 1938, that he had “no ambition to be a labour leader”; he linked the work of the party to the broader struggle of the people, and declared that the name of the Party represented an unswerving commitment “to all those measures which will serves the masses of the country.”

Bustamante’s and Grant’s subsequent release ignited the labour movement. Bustamante immediately threw his energy into the workers’ cause and set about to fortify a number of unions into the omnibus Bustamante Industrial Trade Union (BITU) in 1938 to solidify the organisational structure of a trade union.

Between 1938 and 1939 the membership of the BITU expanded rapidly. Several strikes were called in the interim in support of the workers’ demand for just wages and improved working conditions. At the time, there was the outbreak of the 2<sup>nd</sup> World War, and locally the passing of the Defense and Emergency Powers Regulations in 1938 granting powers to the Governor to declare an emergency where strike action was deemed a threat to essential services.

As the trade union membership expanded under Bustamante’s leadership there was the need to consolidate the movement; there was also the need to bring an end to the rivalry between Bustamante and AGS Coombs, the two labour leaders who dominated the scene. The answer was to be found in the formation of the Trade Union Advisory Council, as proposed by Norman Manley. The objective of this body was to ensure that the trade union movement was strategically poised to be sustainable and remained relevant.

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<sup>1</sup> Nettleford, Manley & the New Jamaica, 1971,p.3

In 1939, Bustamante's continued militant posture and agitation created unease with the colonial authority, and the Governor, Sir Arthur Richards, relying on the Emergency Powers Regulations, sought to restrict the militancy of the trade union by detaining Bustamante a second time at Up Park Camp.

Beyond the representation for better terms and conditions through the collective bargaining process, Manley and Bustamante had earlier made the case before the Moyne Commission for a number of legislative changes to improve the lot of the workers. They had called for the establishment of a minimum wage law, workmen's compensation and the training of workers in agricultural management.

As a consequence, a number of laws were subsequently introduced, beginning with the amendment to the 1919 Trade Union Act, to allow for peaceful picketing and the granting of immunity to trade unions against tortuous action. The minimum wage law and workmen's compensation were also introduced, along with the removal of sanctions for breach of contract which was embodied in the 1842 Masters and Servants Act.

The nexus between Bustamante's BITU and Manley's PNP was fortified in a relationship which meant that the detention of Bustamante in 1939 did not place the BITU at risk. Noel Nethersole, Ken Hill, F. A Glasspole and Winston Grubb were among those who undertook the task of overseeing the BITU during Busta's incarceration, resulting in further expansion and growth of the labour movement.

There was, however, cause for concern among the colonial powers. For the period between 1938 and 1942 the growing alliance existing between the PNP representing the political arm of the progressive movement, and the BITU, which had fortified its dominance in the labour arena and was working through the TUAC to unify the trade union movement, signalled the maturing of the progressive movement. As Bertram puts it, "the PNP alliance with the Bustamante union would give it great strength in any universal suffrage election..." Governor Richards' overriding objective therefore "was to prevent at all costs the consolidation of politics and labour into one socialist movement."

Other unions had flourished during the period, a number of them among government employees including Railway, public works and post and telegraph workers. Of significance was the formation in 1940 of the Jamaica Association of Local Government Officers (JALGO), representing workers in local and national central government, governmental corporations, quasi-government bodies, including fire fighters and workers at the National Water Commission.

On February 8, 1942 Bustamante was released from Up Park Camp. The subsequent successful negotiation of a Wage Contract between the BITU, representing over 40,000 sugar workers, and the Sugar Manufacturers' Association, was a massive victory.

Bustamante withdrew from the PNP upon his release in 1942 and formed the Jamaica Labour Party in 1943 in the months leading up to Universal Adult Suffrage. The BITU left the TUAC, which caused the latter to morph into the Trade Union Congress and aligned itself to the PNP.

By 1944 then the movement had descended into bitter rivalry as the contest for workers' membership and political loyalty through the two major trade unions, the BITU and the TUC, linked to the two major political parties, was to last for another four decades. The labour movement, despite the rivalry, grew during the 1940s and 1950s, and the political union nexus was entrenched.

Long after most of us would have departed this life, the perennial questions will be asked?

Did this split in the Labour Movement prove beneficial or detrimental when working class interests no longer stood on its own, but were intertwined with political interest.

Was there any benefit to the workers from the intense rivalry between the political protagonists and antagonists?

Given the levels of membership support during all these years, had it been a mainstay of our democratic process and the transfer of political power from one Administration to another?

How has this affected the nationalist thrust?

### ***Cold War Influence***

As the rivalry between the BITU and the TUC escalated, the repercussions of the Cold War era were to be felt in Jamaica's body politics and led to germane changes in the Trade Union alliances.

When the PNP expelled the four H's, Richard Hart, Ken Hill, Frank Hill and Arthur Henry in 1952, they also occupied leadership position within the TUC and so the Party quickly moved to dissociate itself from the union.

The PNP moved ahead to launch the National Workers Union in April 1952 as its affiliate. The new leadership of the NWU embraced Osmond Dyce, Ken Sterling and Thossy Kelly. The

combat between Michael Manley and Hugh Lawson Shearer in the Bauxite and Sugar Industries is legendary. The growth of the NWU was phenomenal in that period and the union would have played a significant role in the PNP's victory at the national polls in 1955 and 1959.

Prior to our Independence the primary institutions essential to a sovereign nation were already in place. Those required to augment our own national capacity for implementation and maintain the thrust for growth and development received the spotlight of attention in the early period to follow.

The emergence of tourism and bauxite when added to sugar and bananas resulted in an expansion of the space for union recruitment. Robert Lightbourne built on the hub of Pioneer Industries which Wills Isaacs had started and became a fertile field for our Trade Unions.

In the period leading up to Independence, the BITU and the NWU consolidated themselves as the two major unions in Jamaica, both, of course, fully immersed in the political process through their affiliation with the JLP and the PNP respectively.

### ***The Post-Independence period: Redefining Labour's Role***

The changing of the guards began in the 1950s with a new generation of trade union leaders emerging. There was a new sense about the need for unity at the leadership level although the rivalry continued unabated. Many of the leaders were tertiary graduates who brought not only the intellectual fervour to the business of unionism, but infused research and scholarship into an understanding of collective bargaining. Hugh Lawson Shearer initiated discussions with the NWU's Michael Manley and Hopeton Caven, the General Secretary of the Trade Union Congress about developing a scholastic approach to trade unionism and collective bargaining. The University of the West Indies was approached and Hector Wynter, George Eaton and Rex Nettleford worked towards developing the Trade Union Education Institute at the Mona Campus to train the next cadre of trade union leaders.

The likes of E. Lloyd Taylor from JALGO, Carlyle Dunkley, Lloyd Goodleigh, Roy Thompson, Bancroft Edwards and Clive Dobson from the NWU, and Pearnel Charles, Errol Anderson, Dwight Nelson, Cliff Stone, Lascelles Beckford and Enid Nelson from the BITU, began the search for unity amidst the unrest and instability in labour relations.

In the raft of Parliamentary legislation that embraced finance, security, external social and environmental subjects, there were legislations which deserve our special acknowledgment.

One was the National Insurance Act, 1964 which was the precursor to all we have done since, to offer and expand protection to workers and their families, in case of loss of earnings through injury, incapacity, retirement or death, by way of a compulsory contributory funded social security scheme. It was piloted by Lynden George Newland, whose contribution to the Labour Movement we must remember today.

This is the precursor of what we need now – ensuring that thousands of workers who had become marginalized are protected through adequate old age and pension benefits for an ageing population.

The second important labour legislation was also passed in 1964 - the Foreign Nationals and Commonwealth Citizens Employment Act, or ‘Work Permit’ Law. Its main purpose was to protect local labour from being substituted by overseas labour in areas where we have equal competitive skills and to provide work permits for stipulated periods so as to allow proper training and gain the necessary experience for scheduled replacement.

I mention this as a fundamental policy issue which we cannot fail to urgently address in the context of global hemispheric and regional development; in the execution of public-private projects on foreign operated construction sites and in the tourism sector which is now the corner stone of our economy here and throughout the Caribbean.

### ***The 70s***

When we entered the decade of the 70s, our trade union movement had already won the rights for collective bargaining by the “check off” system which provided a wider and stronger base for the financing of Trade Union organization and programmes. The movement had already secured, through astute negotiations, marked improvements in wages and fringe benefits.

There was a new flow of migrant workers for the farms in the United States and, of course, by then the Windrush generation had already made its indelible mark in the restoration of the British economy after World War II. But despite these commendable gains, the labour market and industrial practices had yet to be released from the shackles which were the legacy of slavery and colonial rule.

Master and Servant was much more than an apt description of 1842 legislation, enacted to regularize conditions of employment after slavery. It reflected status – the power to oppress – to compel obedience from workers – to perpetuate the inequities inherent in a society torn apart by race, colour, gender and class.

The Abolition of the Master & Servant Act in 1973 is more than a compelling sequel to the Emancipation Act of 1838. It represents a crossing of the Jordan – final and irreversible.. Let us mention here that the repeal of the Bastardy Act, for all who are the progeny of a society fashioned by slavery and the plantation system, ranks at the same level of fundamental change as did the abolition of chattel slavery.

The political scientists, economic historians and sociologists have written tonnes about the social import of revolutionary legislation of the 70s.

For the very first time, a job was seen as property. In the JBC case when all 14 members of the newsroom were summarily dismissed, we sought an injunction. Previously, the remedy for wrongful dismissal was monetary compensation.

We secured an injunction – because the Employment Termination and Redundancy Payment Act opened the door for reinstatement.

A significant piece of overarching legislation was the Labour Relations and Industrial Disputes Act (LRIDA), [which replaced the Trade Disputes (Arbitration and Enquiry) Act and the Public Utility Undertakings and Public Services Arbitration Act.

The LRIDA reinforced the right to freedom of association and collective bargaining, two of the core Conventions of the International Labour Organisation. The Act also established the Industrial Disputes Tribunal as a quasi-judicial body to arbitrate dispute.

Certainly the most controversial aspect of the Act was the section dealing with essential services and how to treat with disputes. We were faced with the need to balance the right of workers to justice and fairness with the need to preserve the basic necessities of a society, like its access to water, health care and fire services.

Michael Manley addressed this in his budget speech in 1974 when he said: “If you are in the Essential Service and you have a problem you must talk first, if necessary, arbitrate the problem first, but if you ask for arbitration and anybody fools around with you and you cannot get your arbitration, then no problem, you have no choice but to go out on strike.”

Some of the more pertinent legislations passed during that period included the Equal Pay for Men and Women Act, National Minimum Wage Orders, amendments to the Workmen’s Compensation Act, the Status of Children Act, Pension (Civil Service Family Benefits) Act, and the Maternity Leave Act.

In a period marked by growing violence against women and children, I wish to make specific mention of the Maternity Leave Act. Next year we celebrate the 40<sup>th</sup> anniversary of its passing. It was a law over which there was much controversy about the implications for businesses. Even slave societies gave some protection to child bearing mothers, if only because the children would eventually augment their work force. We can now admit that the benefits of the paid maternity leave and job security have contributed to the low neonatal and post-neonatal mortality rates, decreased health inequalities and built a healthier labour force.

As we know so well in 1977 the Government was forced enter a borrowing relationship with the International Monetary Fund (IMF). The implications arising from the conditionalities have been the subject of scholarly work and considerable research and need no elaboration here. Suffice it to say that the first five years of the PNP Administration had shown a marked improvement in the conditions of labour. According to Professor Carl Stone, the share of workers' compensation as a percentage of GDP stood at 56.8 percent, 10 percentage point above the 1966 figure.

One of the more onerous IMF conditionalities was the imposition of wage guidelines on public sector workers. Recognizing the effects this would have on labour, there were several meetings with trade union leaders. From that dialogue was the decision to establish the National Housing Trust to provide affordable housing primarily for low income earners and to allow contributors to build or improve existing housing.

Organizational formations emerged in a period of high activism, many of which were new brands of trade unions and workers' organizations representing various groups in the labour force.

Years before, the Port Supervisors Union had entered a new frontier from the ruling of a Special Tribunal which recognized the right of supervisors and middle management to obtain Union representation.

After a ruling to the contrary by the Duckenfield Commission, it required intense legal preparation. As Legal Counsel, I disappeared for a whole week to prepare the legal submission which helped to define the premises for success.

The rising militancy among blue collar workers was evidenced in the growing incidence of industrial action that accompanied the period. The presence of trade unions at the workplace was symbolic of their success in adequately representing the demands of the workers. This

apparently prompted workers in the supervisory, technical, and administrative categories in the workplace to seek union representation, and expand the base of trade unions.

The dialectic between ideological purity and pluralism was itself evident in the plethora of labour organizations that surfaced in the period. There was an emergence of 'independent' trade unions, which were not aligned to either of the two major political parties which included the Jamaica Union of Public Officers and Public Employees (JUPOPE); the Jamaica Workers Union; the Union of Schools Agricultural and Allied Workers (USAAW); the Jamaica Workers Union (JWU); and the United Union of Jamaica (UUJ).] That did not mean they shared no political sympathies.

[The University and Allied Workers Union (UAWU), which had its genesis on the Mona Campus, was affiliated to the Workers Party of Jamaica.

Professional groups were emerging like the Junior Doctors Association; the National Union of Democratic Teachers; there was also emerging the Nurses Association of Jamaica, although founded in 1946 became the official bargaining agent for nurses in 1974.

The Employee Share Ownership Plan (ESOP) allowed greater worker participation and worker ownership as a means of providing labour with a voice and an equitable share in the benefits of the production process.

This gave birth to the Workers Bank whose first Chairman was E. Lloyd Taylor.

### ***Labour Day***

On the eve of a Public Holiday tomorrow, the significance of the change in how we celebrate Labour Day cannot be forgotten.

In 1961, the Government replaced Empire Day with Labour Day to commemorate the labour rebellion of May 1938. The obscenities of our having to sing 'Rule Britannia' had rightly been removed. But the annual celebration of Labour Day was marred by violent clashes and confrontation among workers based on partisan political rivalry.

In 1972, a new meaning was given to Labour Day, which united workers and created a deeper purpose to the significance of labour that would galvanize the society to a common cause.

Since then, Labour Day has come to represent an interval when the people of Jamaica volunteer their labour on some project of community value that can certainly give us a feeling of pride in the dignity and purpose of labour.

The change was more than symbolic. It was a clear signal, accepted by Political and Labour leaders alike that there was greater value in working together, rather than fighting each other to realize the aspirations of our workers and the improvement of our communities.

### ***JTURDC***

In 1980 the first signs of bridging the trade union divide, and once again restoring a united trade union front, was evident in the establishment of the Joint Trade Unions Research Development Centre (JTURDC). There was the general acceptance that research and education ought to lie above the political fray, and that, without restricting the rights of workers to determine the union they would wish to represent them, a protocol arrangement should be put in place to ensure the choice can be made without the rancour, bickering and intimidatory tactics of a by-gone era.

While strikes and workers' protests were a feature of the late 1970s, by 1980 there was a sharp fall in the number of reported strike action. Stone (1989:35) argued that <sup>2</sup>"the union movement feared reprisals and redundancies and lost its confidence as its weakened leadership proved no match for the tough, no-nonsense political leadership of the day."

In 1984, the Full Court decided in the case of NWU vs Hotel Four Seasons, that workers had no right to strike, but they could exercise a freedom to strike, which would not, however, prevent their action from being seen by the employer as repudiatory conduct.

The persistent wage guidelines and rising cost of living, further fuelled by the gasoline price increase in January 1985, culminated in the first attempt at a general strike since 1938. The strike never achieved its desired outcome. Workers primarily at JPSCo and the Jamaica Fire Brigade were seen in breach of section 9 of the LRIDA, covering essential services, and therefore dismissed for taking unlawful industrial action. I was asked as Counsel to represent them all.

The most welcome innovation in all of this was HEART, which was subsequently expanded to include the Vocational Training Centres and provide early training for recruits to the work force.

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<sup>2</sup> Carl Stone – "Power, Policy and Politics in Independent Jamaica"

No one can refute that the policies and programmes imposed by the IMF, dictated by the Multilateral Financial Institutions, the Washington Consensus and the Reagan-Thatcher free market-private enterprise template “signalled what Carl Stone describes as a shift in the power balance in favour of capital and at the expense of labour. “Profits increased at almost twice the rate of average wages.”

It would require more than one Lecture, in fact an entire series, to explore the impact of globalization on our economies and societies.

Globalization has resulted in a severe impact against labour and could pose a serious threat to the survival and growth of trade unions.

There is a free movement of capital and production – there is no such freedom for labour.

By the beginning of the 1990s the transnationalization of production and the growing competition between different labour markets served to create new working arrangements through the use of contract labour and fixed term contracts. This made it increasingly difficult for trade unions to organise, and to engage in collective bargaining. The suppression of wages naturally followed, and Jamaica, like other countries across the globe, began witnessing a decline in its union membership.

### ***Globalization and The Market Economy***

On assuming the Prime Ministerial Office, I could not like King Canute try to turn back the tide of a market economy in the global sea. But that did not mean impotence to guide the waves and the currents in a pattern and flow which would cause us to float and not to drown.

Our labour movement as a whole, regardless of political attachments, has always subscribed in lifting the boats – not seeking a route of escape to the bottom.

We began to see the impact of globalisation on the labour market, with the traditional nature of “work” disappearing due to technological advances. We had seen changes in the nature of the employment relationship which created atypical forms of precarious employment practices, affecting the ability of trade unions to organise and engage in collective bargaining. There was evidence of wage stagnation with international competition leading to cuts in labour costs.

To avoid any reduction of our social capital, we sought to ensure basic rights and protection, and provide special attention to the disadvantaged and marginalised groups in our society.

We started a series of consultations to promote consensus building on issues of national importance. We recognised that the three key concepts in building good industrial relations practices encompassed efficiency, equity and voice, as necessary elements for productivity improvement and economic growth.

We focused on shifting the conjunctive approach to our industrial relations praxis to one of co-operation; to construct the platform underpinning a development paradigm that would include a reform of our labour legislations and labour institutions. The objective was to create a more flexible labour market that could influence investment, growth and jobs on a sustainable basis.

By 1994, the trade union movement had come full circle, with the JTURDC, expanding into a full confederation with the establishment of the Jamaica Confederation of Trade Unions (JCTU). It was the maturing of a movement that, after half a century of bitter rivalry, was driven to coalesce around issues of common concern to the workers despite their obvious political differences.

At a Cabinet Retreat in November 1994, we therefore took the decision that Jamaica's labour market needed to be reformed to better able to respond to the dynamics of the international marketplace. A Labour Market Reform Committee was therefore established under the chairmanship of Professor George Eaton, to critically examine Jamaica's labour market and to make recommendations on how to improve the country's competitiveness regionally and internationally. A number of recommendations were made, including the implementation of Flexible Work Arrangements.

Two years after the Eaton Report, the Labour Advisory Committee began serious discussions about the introduction of Flexible Work Arrangements in Jamaica, and the likely benefits at the micro and macro levels that could be achieved.

### ***Social Partnership***

On February 13, 1996, I addressed the Parliament on the need for a "national effort" through the establishment of a Social Partnership. I argued then that "the stability generated from a social partnership would provide the catalyst for growth and development...and eliminate the cycle of inflation inertia".

In its response, the Jamaica Confederation of Trade Unions, called for the need to establish an environment of trust and confidence among the partners. It insisted that the outcome of the process must address the four cardinal issues of efficiency, equity, growth and social justice.

The discussions continued for several months but the agreement proved elusive as the Unions were dubious that the spirit and intent that was so necessary to begin the building of trust and confidence - was never demonstrated by way of good industrial relations practices among some private sector companies. The Unions wanted the private sector to offer tangible and measurable outcomes in terms of commitments to investments and job creation, to convince them to enter a period of wage restraint.

The setback persuaded the trade unions to enter into bi-partite social contract arrangements where there was greater control over the input/output variables based on defined and measurable targets. This led to Sectoral Agreements in the Bauxite Industry, namely the Michael Manley Accord, and subsequent Memoranda of Understanding at the National Water Commission and the Jamaica Public Service Company.

In 2003 two concurrent events were to provide the catalyst for the re-thinking of a social partnership among the three major social partners. A group of largely private sector leaders visited Ireland in October and produced a background document for discussion and debate towards a consensus. The issues outlined included: crime and violence, education, tourism, macro-economic policy and taxation policy.

In that same month, a directive from the Ministry of Finance & Planning to all Government Departments, Statutory Bodies and Agencies, imposed a freeze on all posts within the public sector. This prompted a response from the Confederation, and a call for a meeting with the Minister of Finance to discuss the implications of this memorandum.

The subsequent discussions which followed led to the conclusion of a Memorandum of Understanding between the Government of Jamaica and the Jamaica Confederation of Trade Unions, which was signed on February 16, 2004.

The condition precedents which led to the success of the MOU are instructive to note.

Full disclosure of information by the Ministry of Finance;

Openness and transparency in the negotiating process;

Mutual respect for the parties and the interests they represented;

A recognition that the interests of each group cannot succeed without the support of the other.

The recitals to the MOU speak of the need for “all sectors to cooperate to halt and correct” the high debt ratio; large fiscal deficit; low economic growth; and low employment creation. It noted that the parties recognized the need to “chart a new course of co-operation in the achievement of the common objective of the development of the Public Sector and the need to develop and maintain among themselves a satisfactory level of trust and confidence.”

Some of the general principles underpinning the MOU were as follows:

A commitment to pursue strategies designed to achieve reduction in salary related expenses;

the establishment of a mechanism for collaboration and consensus through social dialogue;

a framework for the conduct of good industrial relations in the public sector;

a commitment to preserve employment and improve the quality of the labour force through training, re-training, education and the maintenance of core labour standards;

the co-operation of other sectors of the society through restraining prices.

The main areas covered were: wage restraint; employment constraint; expenditure restraint; cost saving measures; macro-economic management; and training, re-training and education.

The MOU was therefore informed by two basic and fundamental propositions: (i) that the granting of a wage increase would inevitably lead to job losses and untold economic and social consequences for public sector workers; (ii) government could only secure the acceptance of a wage freeze on the basis of a willingness to accept the trade unions’ influence in areas exclusively the preserve of the Ministry of Finance & Planning.

A new four-year arrangement under the [Extended Fund Facility (EFF) was approved in 2013. A ‘prior condition’ for guaranteed balance of payment support was an agreement with the public sector trade unions to freeze wages for another two years, in order to facilitate a reduction in public sector wages from 10.9 percent to 9.0 per cent of GDP by March 2016.

One of the key elements of the Agreement was the introduction of a broad-based monitoring committee - The Economic Programme Oversight Committee (EPOC) - consisting of the social partners and other key stakeholders.

The success of EPOC, which had overseen 13 successful reviews, is a vindication of the labour movement's stance on the indispensability of social inclusiveness in any approach to development.

The ILO has been forced to note the gradual change in the employment relationship since the beginning of the 21st century as a matter of global concern. Over the last ten years Jamaica has seen an increase in the number of disputes across all industries, but there is a noticeable shift from those which relate to wages and conditions of employment and claims over bargaining rights, to those relating to dismissals/suspensions. In fact almost 70 percent of these disputes, according to the Ministry of Labour's Annual Report, relate to non-unionized workers.

### ***The Future Role of Trade Unions***

There is undoubtedly a dichotomy that the labour movement faces today. There is a growing informal sector which is about half the size of the total economy. These workers are by and large independent contractors or own-account workers, or hustlers and therefore do not fall within the legal scope for trade union representation.

Its survival depends on job growth to sustain its membership, but it faces a challenge in attracting new members based on the changing nature of the employment relationship, where fixed term contract, and contract labour have replaced open-ended contractual arrangements. Their current members are faced with the prospect of wage stagnation and therefore question the very role of trade unions if they seemingly can do very little to improve their wages and conditions of work.

How has the labour movement contributed to growth and development over the past 80 years?

How has the shift in the global and domestic landscape affected the trade union movement's power and influence?

What have been the results of trade union advocacy, militancy at times, on the standards of living and the social conditions for the working poor and the middle class?

What then of the future role of the trade union movement?

We do not have to answer all these questions now, but we must explore the options available for the future of work and certainly commence the conversation, as we celebrate this 80<sup>th</sup> anniversary.

Eighty years ago in Jamaica, as elsewhere in the Caribbean, our National Heroes at the urging of the workers themselves, took on the task of organising trade unions to defend workers' rights and to demand an equitable share in the fruits of their labour.

The labour uprising of 1938 sought to achieve justice for the worker and a better way of life for our men, women and children. It is the business of the trade union movement, in fact, its *raison detre*, to remain the guardian of this cherished ideal. The Labour Movement would betray its purpose were it to allow any return to the exploitation of labour in 2018 or beyond.

The historical context must never ever be lost upon us. The ghost of the post-abolition interface between the former slave masters and the former slaves, must never be allowed to rear its ugly head again. The Labour Movement today must be in the forefront of the call for reparative justice. Every single worker must hold sacred, and remain imbued by that ancestral spirit which has guided us over these 80 years.

If Jamaican labour is to guarantee its existence in the centrality of human rights, then trade unionism remains the indispensable catalyst. The struggle for the rights of labour continues, but the response cannot be the same. We are certainly functioning in a significantly different environment, marked by a democratic political system, common values shared by the social partners, and a relatively stable industrial relations climate.

In this Inaugural Lecture we have already noted many of the contributing factors to a diminution of the trade union membership pool, e.g. – the effects of globalisation and external conditionalities, the splurge of trade union shutouts in hotels, and free zones, the colourable device of contract workers, the effect of questionable work permit grants in the hospitality trade and entertainment industries.

There is evidence to show that union decline is one of the Key contributors to wage stagnation and income inequality everywhere.

The success of any effort to influence policy and create an environment suitable to economic growth and development require social dialogue. And the success of any social dialogue arrangement requires strong trade unions and employers' association, with the technical capacity and access to relevant information. There needs to be a far greater alignment between the social partners, the University and other Tertiary Institutions that create a strategic alliance to strengthen our skills and capabilities to advance Jamaica's progress.

We also have to strengthen the legal and institutional frameworks to improve labour market institutions, and to do so on the basis of empirical evidence. Certainly, the use of contract labour, and the ratio of contract workers vis-à-vis permanent workers in establishments, has to be reviewed.

In 2002, we amended the LRIDA to afford them rights that were denied because of their classification to include the right for them to organise and bargain collectively to provide for health and pension benefits.

At the collective bargaining level there is even greater challenge for trade unions. Trade Unions' assertiveness hinges on not only the number of members, but the quality of the membership. This is where worker education is key to creating active and knowledgeable workers.

What we need going forward is deeper collaboration between employers and employees. In this dispensation, we have to rebuild trade unions and devise new labour policies that are linked to economic growth strategy. The "high road" approach in which companies and trade unions work to improve efficiencies and higher levels of productivity is the only way to advance global competitiveness.

### ***VISION 2030***

My brief for this Lecture instructs me to address the prospects for the future of the Labour Movement. In seeking some guidance from VISION 2030 – Our National Development Plan – I was extremely surprised and disappointed to find that there was no mention of the role and functions of the Labour Movement except for what may be deduced from that section of the document which speaks to Labour Market and Productivity. From that omission we must glean the assumption of our Planners that the labour market, free and unbridled, will determine the size, composition and quality of the work force.

Such an approach is bound to have repercussions for the Labour Movement.

It is obvious the traditional approach and methods of our Trade Unions must undertake a sea-change.

More persons will be self-employed and working from their homes. Skills at the highest levels for new forms of rapidly changing technology will increase exponentially.

Recruitment of members will diminish on the customary shop floors and business enterprises. Collective bargaining will have less to do with wages and hours of work – more about education

and specialised training; more about access to health care for sedentary positions; more about issues pertaining to the environment and security.

The labour Movement must therefore find new ways of communicating with its membership and championing their case in a brand new ball game. So it has to develop the cohesion, technical expertise and moreover the capacity for innovation leadership which this new era requires.

It can begin by making sure its resolute purpose is fully reflected in the future updates of those areas of the National Development Plan where timely revisions are anticipated.

The Labour Movement must extend or acquire the additional technical competence that can urge the policy makers to accept models of development which accelerate growth with jobs and social policies that provide for improvements in our living standards.

### ***The New Pillars***

We have grown accustomed to regard and even in this Lecture speak as though the Labour Movement and our Trade Union family are coterminous. They clearly are not. As we look ahead, I speak to the New Pillars on which the entire Labour must build.

The Labour Movement must forge a broader alliance – go beyond the tractor driver, the loader man, the factory worker –

Get within your ambit the security guard, household worker, the music and entertainment.

Engage the professional pool – include the entire pool of those who are employees and selling the same commodity -

The journalist, the lawyers, the doctors – not only about manual labour – intellectual and knowledge-based as well.

It is but a single cause that must embrace all employees/workers.

Training of new leadership recruits – including delegates and young students – to understand business as well, so that the membership and the eligible cadre are encouraged to increase productivity, benefit from growth of the enterprise and profit sharing.

Be an active participant in the process of dialogue – local and global. – The battle is being waged at the ILO, the Bretton Woods Institutions, in Academia.

Strengthen the centre – the Confederation has to be the centrifugal force and build strong political muscle so that when you flex – you flex.

The Labour Movement must exploit its political connections, but it dare not subordinate its interest nor pervert its purpose to any narrow partisan political agenda.

Fight against inequity – our women, the wanton destruction of our children – Let your voices be heard.

### ***Conclusion***

Eighty years ago, Bustamante as the undisputed leader of the Labour Movement and Manley as the leader of the progressive movement embarked on a campaign that would finally grant the Jamaican people the right to become masters of their fate and the captains of their souls.

This country owes a debt of gratitude to the Labour Movement for its contribution in helping to shape policies over the years. As we formulate policy to guide our steps for the future let us put ourselves in the position to get the policies right, informed by what we have learnt from our collective past, our triumphs, mistakes, as we tackle our present challenges. We are in a new ball game where the whole world is our field of play.

Every national institution has to re-examine its role and its function. The labour movement is no exception and it is incumbent on the trade union movement to take a more active role in the development process. It is indispensable to national development, but it must first reform itself, find new ways of organising the thousands of workers who need protection and build on the rich legacies of the past.

The labour uprising of 1938 in Jamaica proved the trade unions to be an essential part of our national life. Eighty years later, as the society develops and evolves into a new dispensation, the right of every worker must be guaranteed: improvement in their standard of living must be secured. The opportunity to secure these must be vigorously pursued by social dialogue to build Jamaica, land we love.

For it was that fusion of the labour movement with the innate spark of nationalism 80 years ago which ignited a flame that throughout eight decades may have flickered but must never die.

We have achieved considerable progress but the time has come to retrofit the engines, to recharge the batteries, to renew our energy in order to realise the vision of our forebears; to unite our blessed nation as one people, prosperous, triumphant, strong and free.