

# Sparks fly as Marks resist the union

MARKS AND SPENCER are extremely proud of their Liverpool store. It's their best outside London, with takings around £12 million a year.

But they've been more than a little worried about it lately. For it's their only store in Britain with a trade union.

Marks and Spencer's usual explanation for this lack of unions is that they're such good employers no union can get a foothold.

So they were very embarrassed when a man who was sacked after giving out union membership forms took the firm to an industrial tribunal for unfair dismissal.

Marks and Spencer use various perks to try and keep their workers happy and out of a union... such as cheap hairdos for the women. But from time to time, in one of their stores, a handful of employees do get together and join a union.

When this happens the firm use "modern" management techniques to squeeze the union out as quietly as possible - which is often more effective than the sledgehammer tactics of more old-fashioned employers.

One of the tricks is to make it look as if they're helping the union, while actually sticking the knife in.

About three years ago, an official of USDAW, the shop workers' union, visited the store. In a shrewd move the manager appointed himself recruiting officer for the union and announced that membership forms were in his office - for anyone who dared to collect them. So that was the end of that.

This time USDAW has got a little further. The collector asked for permission to collect subscriptions in the canteen during the lunch break. Happy to oblige, the management gave permission to use the canteen, but only after hours on Fridays.

They knew, of course, that this would make the collector's job impossible. The early men finish at 2.15 and everyone else would be in a hurry to get home. The move to get the union in came mainly from the warehouse men who objected to the way their hours were changed just before Christmas.

Later, when they refused to stay behind after hours to finish a job, one of the warehouse management said all the men were "shite".

One of the men, Jimmy McGovern, was then asked by his mates to contact the union.

There were several other grievances, but the men were thinking mainly of the future: "It's not for now, it's for later," one of them said. "It's no good joining the union when you've been sacked or your hours have been changed."

On January 14 - after he'd contacted the union - Jimmy McGovern was called



up to the manager to hear an appraisal of his work. The gist of this was not that his work was bad, but that he was causing trouble by criticising pay and conditions.

The manager thought the warehouse job was "not sufficiently demanding for his lively intelligence" and told him if he hadn't found another job in three months he would be sacked.

Later that day, following a visit from Arthur Duff, the USDAW area official, the manager apologised to Jimmy McGovern and said his notice was "temporarily suspended".

On the day of the union meeting - January 21 - the manager again sent for Jimmy McGovern and read him a prepared statement which said he was being put on three months' probation. If he wanted to keep his job he would have to "co-operate".

About 80 people attended the union meeting in the staff lounge. Undeterred by the presence of the manager, manager and a secretary taking shorthand notes, 25 people joined.

Two days later Jimmy McGovern spoke to two pensioners who were employed part-time as early morning shelf fillers at 62p an hour.

He states that he pointed out to them they were doing the same work as warehouse men. To bring warehouse men in early to do this work would have cost the store between £1.50 and £2 an hour.

"I told them to join the union and it would take up their case with management. They accepted the forms."

When the management heard about the incident Jimmy McGovern was sacked.

Later he wrote to the Director of Personnel in London. He said he was pressing ahead with his appeal to an industrial tribunal, and threatened to expose some sharp business practices in the store.

Shortly afterwards Marks and

Spencer's computer got in a fluster and suddenly paid £150.32 direct into Jimmy McGovern's bank account. He had already received all the money due to him.

Marks and Spencer took the tribunal very seriously and hired a QC, Mr John Bull to put their case. Jimmy McGovern was represented by his union official.

When the hearing began on April 4 Mr Bull said Mr McGovern had worried and upset the pensioners and girls in the store by "aggressive badgering" to join the union, though "this wasn't a reason for dismissal in itself".

He said Mr McGovern had a history of deliberate disregard for the wishes of management.

For example, he had sometimes come to work without a tie and unshaven, and - added Mr Bull gravely - "on one occasion in Wellingtons as well".

The firm's obsession with the appearance of their warehouse men is quite a talking point in the store. Staff still joke about the time a warehouse man sprinted along Church Street to catch some lads who had robbed a till. Arriving back at the manager's office, he was told off because his tie was crooked.

Another of Mr McGovern's crimes was to eat two broken biscuits, thus depriving his colleagues of the privilege of buying them cheaply along with other waste food from the store.

But the crucial question - according to the tribunal chairman - is what Jimmy McGovern did or did not say to the pensioners. Marks and Spencer claim he tried to start a demarcation dispute by telling the pensioners they were doing work which should be done by warehouse men.

Jimmy McGovern denies this. He says he simply told them they should be paid the same rate as warehouse

men and urged them to join the union. On this point Marks and Spencer astonished the tribunal by saying they would not produce the pensioners to give evidence.

Instead, the firm's only "witnesses" to the incident were members of management who had not been present and could only describe it at second hand. Such "evidence" would not have been accepted in a court of law.

Mr Walter Keegan, the warehouse foreman, said one of the pensioners had come to him and asked the situation about filling the shelves.

Mr Keegan went on: "He said he had been approached the previous day and told it wasn't his job to pull the stuff across the sales floor, but just to fill the counters up."

"He had been told there was a union in the store and produced a yellow slip which he'd filled in and showed it to me."

Mr Keegan was then asked: "Was there any suggestion that the pensioners would not carry on with the work?" "No, I told them to carry on normally."

Mr Gerald Bell, the warehouse manager, said the pensioners were "very, very upset" when he saw them.

"One man said he'd been a union man all his life and had never been called a blackleg and didn't want to be called one now."

After the first day the hearing was adjourned until May 20. None of Jimmy McGovern's witnesses have yet been heard.

If he does eventually win his case it will give an important boost to the store's union members, who have been rather dispirited lately.

A lot of the members are men in the warehouse. And although the basic starting pay for women is only £29.50 compared with £42.50 for men, only a small proportion of the women have so far been attracted to the union.

The difficulty, as one member explained, is trying to recruit "people who've been there a long time and think if they join they will lose their Christmas bonus and the little perks."

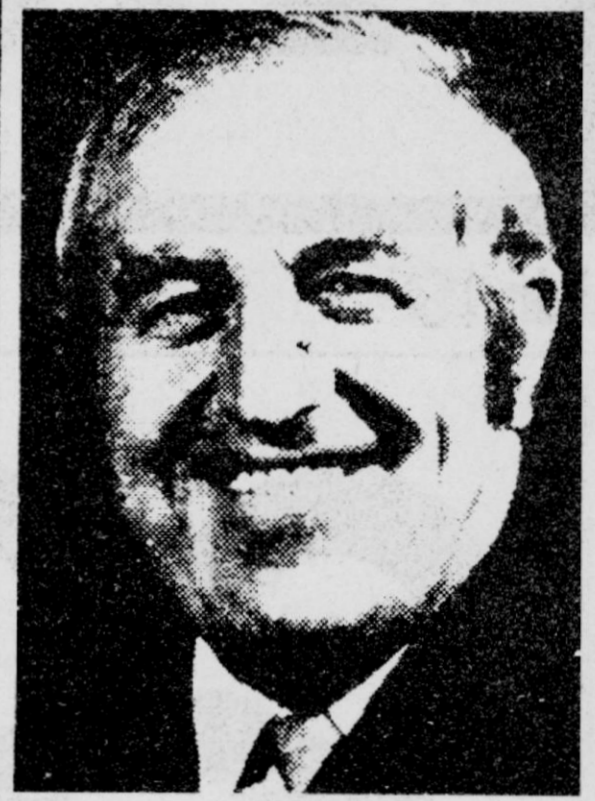
Meanwhile Marks and Spencer have been making their own efforts to make the union seem unnecessary. All full time staff got a £4 pay rise in April and warehouse men have been encouraged to let off steam in management-organised "discussion groups".

What happens to the union in Liverpool will have repercussions throughout Marks and Spencer.

If the union does get established, staff in other stores will feel encouraged to join.

If it fails, the management can look forward to a good night's sleep for several years at least.

## LETTERS TO THE FREE PRESS



Councillor Roberts.

### Coun. Roberts

OUR CLIENT, Councillor J.H. Roberts, has consulted us with reference to the libellous statement concerning him on page three of your current publication (Free Press no. 18). We are writing this letter to give you the opportunity of publishing a withdrawal of the statement in your next issue. Will you please confirm that you will be prepared to do this.

DAVID CARR & ROE, Solicitors and Commissioners for Oaths, 34 Hamilton St., Birkenhead.

● No. The facts were correct.

### Help on arrest

I UNDERSTAND that you recently published a Law Society list of solicitors prepared to accept telephone calls from persons who had been arrested, outside office hours. One person on that list was our partner, M/s M. Healy who is one of your subscribers. Renewing her subscription she informed you that the telephone number as shown in that list was incorrect.

Without her consent or knowledge in your paper - March issue - you published under the heading "small ads", an advertisement showing the change of telephone number.

In view of the very rigid code of ethics which applies to the solicitors' profession such an advertisement causes not only embarrassment but various other problems. In this particular instance some well wisher reported this matter to the Law Society and, indeed, if we had been in any way responsible for the insertion of this advertisement it could be construed that we had infringed against the Solicitors' Practice rules.

The damage has now been done and I am in touch with the Law Society to explain how this arose. The reason I am writing to you is to ensure, not only on our behalf, but on behalf of all other solicitors, that henceforth the greatest care is exercised by your publication to ensure that professional people are not again placed in such an invidious position.

NEVILLE C. GOLDREIN, Goldrein & Co, 11-13 Victoria Street, L2 5QR.

Note: We welcome letters from people other than solicitors! Send them to 48 Manchester Street, Liverpool 1.

### Cop-out

GOOD NEWS for policemen. If they end up in the dock they've got far more chance of getting away with it than anyone else.

Police have an overall acquittal rate of 59 per cent. Quite staggering, set against the national average of 17½ per cent.

The figures were revealed by Mr Peter Barnes, a solicitor from the Department of Public Prosecutions, at a conference in Birmingham.

Mr Barnes also pointed out that juries will only accept the strongest cases of assault against police.

Police chief, Sir Robert Mark, is thought not to be too worried by this particular high rate of acquittals.

## Blott on his record

THE TOP UNION OFFICIAL who switched sides and joined management surprised even the hard-nosed news hounds of the Daily Post and Echo.

But they didn't write about it. Because the union official was none other than the Deputy General Secretary of the National Union of Journalists, Eric Blott.

And the management, of course, was their own.

Within weeks of resigning from the NUJ, Blott was appointed Industrial Relations Manager at the Post and Echo.

The hacks were bewildered. Just

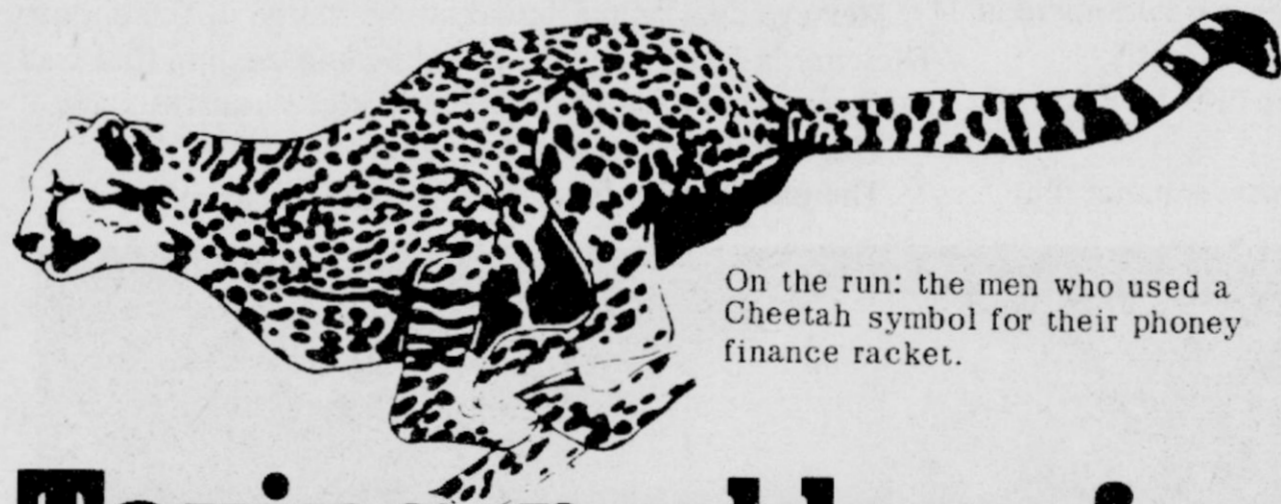
who had Blott been fighting for all these years? And why did a management journal say he would be welcome in many a boardroom?

The Daily Post and Echo management must have been very pleased with themselves. A lot more pleased, it seems, than the turncoat Blott.

Long after accepting the Liverpool job he was still touting for more rewarding work elsewhere.

In fact, Blott reached the short-list for the job of Industrial Correspondent at the BBC.

Not quite the standard of loyalty the Post and Echo have come to expect...



On the run: the men who used a Cheetah symbol for their phoney finance racket.

## Taxing problem for con-man Jerry

CON-MAN Jerry Jackson is back in business making £75 a week and not paying tax. He's also bankrupt.

Jackson, along with his cronies, George Lowe and Simon Harris, recently did a disappearing trick with £12,000. The money came from ten people foolish enough to pay £1,200 each for a map and the title 'Area Manager' of their dodgy loans firm. (See Free Press issues 17 and 18).

Jackson described his latest venture to the Bankruptcy Court in Birkenhead.

"I recently started an insurance business. On a self-employed basis."

You mean you're an insurance agent?

"Yes."

Where is your business?

"Actually it isn't." (He runs the business mainly from a hired car.)

Jackson said his job was to find customers for Milldon and Co, of Old Hall Street, Liverpool. He's paid by cheque, which he cashes through his father's building society.

The money works out at about £75 a week but he's been too hard up to set any aside for tax.

Asked why, despite having had four months' notice, he still hadn't provided a list of creditors, Jackson said he couldn't afford an accountant.

He was ordered to produce a statement of his affairs within two weeks or go to jail.

### NEWS FROM NOWHERE

'People who talk about revolution and class struggle without referring explicitly to everyday life, without understanding what is subversive about love and what is positive in the refusal of constraints, such people have a corpse in their mouth.' \*

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\* From *Leaving the Twentieth Century: The Incomplete Works of the Situationist International*. Price 80p

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