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THE "GENERAL STRIKE" OF 1991

Notes for a presentation at a workshop at the 1997 CTU Conference

Peter Harris, 19 October 1997

Preface

It is said that after the war, nobody could be found in Germany who supported Hitler. Similarly, all white South Africans abhorred apartheid, so it now seems. The General Strike of 1991 is moving in a similar direction of rewritten history.

New Zealand trade unions are bursting with retrospective militants. All sorts of authoritative activists are now quoted giving their birds eye view of the campaign against the Employment Contracts Bill when fading memories seemed to recall that many were at the beach that summer.

Very few journalistic, and worse, pseudo-academic accounts of the campaign researched primary data sources. The legend is second hand romanticism.

Remarkable as it seems, six years after a properly constituted meeting of CTU affiliates voted against a proposal for a "general strike", the issue is still routinely trotted out by opponents of the activities of the CTU as its basic sin of the decade of its existence, a mortal sin condemning it to a life in limbo.

This note tries to record some of the factual background to CTU decisions on opposition to the then Employment Contracts Bill.

The political environment of late 1990

This is not the time to rehearse the origins of Rogernomics or the contradictions inside the fourth Labour government. Suffice it to say that by late 1990, the "two-class" direction of that government – liberalising the economy in one direction but shoring up union rights and welfare entitlements in the other – had not only proved too hard to manage, but had torn political labour apart in the process.

Into the vacuum created by a mix of political revenge and public cynicism stepped the extreme right agenda of Ruth Richardson and other ideological backers in the business and financial sectors, and within the bureaucracy.

The agenda was to shift the balance of income, wealth and power. The end result was to put New Zealand onto a low wage trajectory, making it a more attractive destination for global capital. One of the barriers to that plan was the collective organisation of workers. Another was the level of personal security that people enjoyed through the mix of welfare entitlements that they had access to.

A programme of deregulation, deunionisation and welfare reductions had to be introduced at an early stage. It took many forms: repeal of employment equity legislation; the ECA; the benefit cuts; the health reforms; housing policies to name but a few.

It is important then, to recognise that the Employment Contracts Bill was but one part of a set of measures, and that resistance to the new right model necessarily required a fight-bank on a wide front. It had to contest the ideology, the legislation, the way government structured its spending and a whole range of other policies.

The Bill was a big issue, but it was never *the* big issue. An evaluation of the campaign therefore needs to retain a proper perspective of where the Bill sat in the wider social, political, economic and industrial battle.

The context of the Bill

(a) The other elements of the National package

Six years after its enactment, the Employment Contracts Act is a high profile part of the government's economic strategy. Everybody knows about it, most have opinions about it, and the electorate is evenly divided in its support for and opposition to it.

The inclination is to think that this always was the case.

In fact, the original Bill was introduced into Parliament on 19 December 1990. It was a Wednesday, and with Christmas that year being on a Tuesday, most non-retail organisations had intended to close for the annual break on the Friday.

The Bill was therefore introduced with just over two working days left before most of the "political" machine shut down.

The Bill was only one part of a so-called "Economic and Social Initiative" announced on that day.

It was introduced alongside the rest of the package, which involved massive benefit cuts and extended stand-downs, and these were the focus of public attention.

The austerity programme that the incoming National government had launched was absorbing substantial amounts of organisational energy and protest attention beyond the confines of the ECB, or even the benefit cuts. By way of example, on 22 January 1991, 20,000 people massed in protest in the small town of Masterton against hospital closures.

There were other initiatives undertaken in that "first 100 days". The day after the "Initiative" the Minister of Education announced wide-ranging education reviews, which were to be completed by 15 March 1991. They involved matters like early childhood subsidies, school operations grants, teacher/pupil ratios, the role of the State

Services Commission in wage negotiations, bulk funding of tertiary institutions, the corporate status of those institutions and the number and size of government education agencies.

These reviews went to the heart of the education system, and were every bit as much of a threat to teachers and other sector workers as were changes to the way their conditions of employment were set.

Understandably, for education unions the Bill was an important **second** priority.

(b) The political landscape

There was very little political "space" to work in.

The government has just won a general election in a landslide, and any political opposition was diminished, demoralised and divided.

To cap it all off the media was absolutely dominated - to the point that almost every other news item barely rated a mention - with the Iraq invasion of Kuwait. (the "Gulf war").

It would be difficult to imagine or construct conditions that were more difficult for the mobilisation of opposition to a piece of legislation.

(c) Levels of awareness

In January, the CTU commissioned a public opinion poll to try and gauge what the starting point for a campaign of opposition was.

The poll showed four alarming things.

- (i) 54 percent of people had not even heard of the Employment Contracts Bill.
- (ii) Of the 42 percent who had heard of it, 32 percent did not know what was in it.
- (iii) When asked to name two things that the government had done, 61 percent nominated the benefit cuts and only 9 percent the ECB or labour market reforms. In other words, the Bill was not seen as a significant aspect of National government initiative.
- (iv) Despite the benefit cuts and the ECB, voters still favoured National over Labour by a six percentage point margin.

The government was confident, the electorate either unaware or indifferent.

The country was on holiday.

The Gulf war was on the telly.

The CTU mobilisation

The CTU moved quickly in the limited time it had before Christmas. The National Executive met on 20 December. It wasn't possible to convene an official Special Affiliates Meeting, but a meeting with roughly that composition was convened in the form of a "workshop" on the Bill on 21 December.

The meeting was supplied with a preliminary analysis of the implications of the Bill, and debated possible responses to it.

(a) Initial union reactions

The reactions of contributors could be put into four basic categories.

In one camp there was alarm, and a determination to oppose the legislation. It was not a terribly confident camp, though.

Another tended to despair. A third was in "blame" mode: this was seen as the inevitable consequence of the actions of the previous Labour government in abandoning its traditional support amongst the ranks of organised (or unionised anyway – the two were often misleadingly seen as synonymous) labour. While it was harsh and unfair, it "wasn't our fault", and the group didn't believe it could counteract the sins that had been visited on the working class by the actions of the Labour government.

The final category saw the required strategic response as adaptation. This needs some elaboration, because the "two line struggle" (oppose but prepare to adapt) did become a definitive influence in later decisions on actions to be taken.

(b) Preparations to adapt

The Bill, even more so than the current Act, was not overtly harsh and oppressive, but was couched in the language of freedom and choice, and reflected a permissive rather than prescriptive approach to negotiations.

On the face of it, its main instrument of deunionisation and decollectivisation was voluntary unionism (or more accurately a shift from voluntary compulsory unionism to compulsory voluntary unionism).

Remember that the ban on strikes to secure an agreement covering more than one employer was not in the Bill. In practice it has been the ability of the employer to limit the scope of negotiations to the level of the enterprise that has collapsed the coverage of collective contracts, and through that, of union membership. That clause massively tilted the balance of power. But it was only inserted in the legislation at the very last minute after the Bill had been reported back from the Select Committee.

On 21 December, - and even up until the vote on the "general strike" - the Bill was not as unbalanced as it subsequently became.

A number of unions were already voluntary, especially in the state sector. They had national awards, and on the face of it, if they organised well enough, could keep them.

The provision that kept existing awards and agreements current until they expired also gave these unions an option of buying time to organise in this way: if they could roll over agreements for another year, they had until roughly mid 1992 to prepare for the first round of collective negotiation under the new rules.

In the private sector, voluntary unionism was not seen as a major threat in areas where there has been a tradition of strong union organisation (meat, waterfront, pulp and paper, steel, much of transport, finance, etc). The risk there was a fragmentation of awards, but the Bill did not threaten fragmentation openly and obviously.

It was really in three areas that the Bill proposed major risk to unions: clerical, retail, and hospitality.

At the end of the meeting, participants left to "think about" possible responses. They did not leave with a clear purpose, or a unified resolve, or with a lot of confidence.

Internal preparations for the campaign

The CTU staff then started a phone around of unions to assess what the unions thought they could deliver by way of membership action, and when they anticipated winding that action up. The results were depressing. Most, if not all, reported that they couldn't expect to do much. Unions were demoralised and exhausted, and most offices were going to close, or at least run on skeleton staff, until after Wellington Anniversary weekend in late January.

It would be instructive to go back and look at the leave records for union officials over that summer. That is not a research tool that is available, but it is there as a personal reality check for those who want to use it.

In retrospect, those unions were absolutely in tune with membership feeling, as revealed by the later opinion poll results that came in from the survey described above.

If anything was to be done, it meant that the organising initiative lay firmly with the CTU, and the staff had festive leave cancelled except for the short break over Christmas itself.

The CTU worked while the nation relaxed or tuned in to war-on-TV.

(a) The campaign plan

By 9 January the CTU office had developed a detailed work programme to raise awareness.

The detail of the work need not be reproduced.

In summary, it involved;

- media briefings and the regular supply of background briefing documents and prepared feature articles to the media
- a series of 17 detailed research papers on aspects and dimensions of the Bill;
- a series of fictional personalised "stories" try to explain how life would be under the Bill;
- a special youth worker programme, including a "youth action kit" and an 0800 "hotline" for young people, who were particularly vulnerable under the Bill;
- a regular newsletter "Bill Board" pitched at union organisers to keep them up to date on developments in the campaign;
- a "ten day plan" for organisers and delegates to follow in mobilising support for industrial and political protest action;
- provision of speakers to union and district meetings;
- a national advertising campaign, including the use of television, and a 500,000 blanket leaflet drop to all households.

As ambitious as it was, that plan was carried through with an amazing level of energy and commitment, initially from with the CTU office, but spreading out at district and affiliate activist level.

It is simply wrong (and insulting to CTU officers and workers) to claim, as some of the strident critics often do, that the CTU "did nothing" to oppose the Bill, or that it "led from the rear". There was a massive effort put in over a very short time period, under difficult conditions, from the front.

(b) Public opinion turns around

The results were a fundamental turnaround in both public awareness of and public hostility to, the Bill. One measure of that success is that despite unrelenting propaganda in support of the ECA from the government and the commercial community, there has not yet been any poll showing majority public support for the Act.

Amongst union members, strong opposition to the Act has held up over the intervening six years

The scene had been set for co-ordinated industrial action to protest about the Bill.

Industrial responses to the Bill

The CTU cannot, by its constitution, direct any affiliate to take any form of action.

A special meeting of affiliates was convened on 21 February.

It recommended that affiliates participate in a "week of action " during the first week in April.

That week of action was a spectacular success. There are no exact figures, but it is likely that more workers, from a wider range of sectors, and from a wider range of unions took part in more visible stoppage and protest action than participated in the previous general strike ten years before.

There was particularly high profile activity in the provincial centres - with unprecedented numbers on protest marches in Whangarei, New Plymouth, Nelson, Timaru and similar centres. There was also unexpectedly high profile action in small towns, like Marton, Levin and Blenheim, where marches of up to 600 people were held.

It is both wrong and insulting to the organisers and participants in the week of action to say that "nothing" was done to oppose the Bill.

There is, though, a question about why the turnouts were so disproportionately high in the small centres. It was almost a case of the smaller the centre the larger the proportion of unionised workers who turned up at rallies and marches: the turnout being proportionately lowest in Auckland and highest in the towns and boroughs.

One explanation, which seems to be supported by the case studies reported later, is that a lot of the attendance was using up the statutory right to a paid two hour stopwork meeting. It was possible to leave work, rally, even march, and return in two hours in Marton. It isn't in Auckland. This does raise some doubt about the fervour of the protest. Did it actually involve loss of wages? Probably not, in an uncomfortably large number of cases.

There are always doubts about how comprehensive Statistics New Zealand stoppage statistics are, but for what they are worth, those statistics show only 44 stoppages in the five months ending in May 1991 (i.e. in the period between the introduction and the passing of the Bill).

A stoppage includes unauthorised stopwork meetings and delays in returning to work after recognised stopwork meetings, so it should have captured any "direct protest action" during the rallies. The 44 stoppages can easily be accounted for in the education sector stoppages, the ferry disputes and other actions taken to secure rollovers during the lead-in to the ECA, so it is important to bear this in mind when

assessing the later decision of affiliates not to try and escalate direct action beyond what member opinion would support.

A second explanation of the success of the week of action, and the extra penetration in the secondary centres was that activity could build around a "core" of action. That core was provided by the education unions, which called a 24-hour stoppage for 4 April.

The education union stoppage, rallies and/or marches allowed others to link either paid stopwork action or protest action with an activity that guaranteed a minimum level of visible support.

It is also important to recognise that when the potential core of a later stoppage fell away, it was always going to be less feasible to repeat 4 April activity.

The second Special Affiliates Meeting

A further special affiliates meeting was held on 18 April. It is incorrect to suggest that the recommendations tabled there were imposed on the meeting by the CTU leadership. The National Executive had met the day before and received detailed reports and assessments from affiliates about the state of member opinion and willingness to take further action. It was only after a full analysis of the report back that the final form of resolution was put together.

The resolution that emerged was long, and covered a variety of responses to the legislation. It was carried at the affiliates meeting the next day.

The controversy, however, surrounds one clause. That was a clause calling for a further "day of action" on 30 April, with activity ranging from lunchtime meetings up to a 24 hour stoppage depending on what was appropriate to local circumstances and for specific unions.

An amendment sought to recommend that instead of a day of action, there be a national 24-hour stoppage. (i.e. one form of recommended action rather than a recommendation that was more permissive).

The amendment was lost, with 57 percent of the vote going against it, and the original clause was carried.

Different affiliates had different reasons for positions they took on the vote.

Ironically, it was unions that had taken the most action during the week of action who tended (not in every case, to be sure) to vote for the original "permissive" resolution!

Equally, it was those unions that took a wait-and-see approach to the week of action that tended to want to conscript the support of those who supported the week of action as a cover or support for their "second chance" (again, not in every case).

Some unions admitted that they wouldn't turn out many members, but voted for the stronger action anyway. Many of the militants did not try and arrange activity on the day of action, when the resolution certainly envisaged that they should go for it if that was where the member support was.

Case studies

The "general strike" brigade tends to assert that at that point, the "rank and file" was ready to move on to more sustained action, but was let down by a "sell-out" leadership. In particular, the assertion is that it was unaccountable "bureaucratic" unions that opted for the more permissive version of the resolution.

The facts of the vote would need to be assessed on a union by union basis, and that hasn't been done. This section looks at the processes leading up to the vote in a few pivotal cases.

(a) Case 1: the PSA

The first case study is the response of the PSA to the campaign.

The PSA did deploy its organisers in explaining the content of the Bill to members and in promoting support for meetings and rallies during the CTU week of action. It used two organising instruments. One was the annual departmental AGMs, which were coincidentally scheduled for that time of the year. The other was the remaining legal right to a second paid stopwork meeting.

The union instructions were to use the rights to paid stopworks, but to hold the stopwork away from the workplace (i.e. to link in with other rallies and marches). This was because most PSA awards only expired on 30 June, and any strikes at that time would fall foul of the "60 day" clause.

The point here is to be careful not to over-react to the level of militancy associated with attendance at rallies and marches.

It is also clear that the PSA had mixed motives in protesting. In part it was against the Bill, but the fall back strategy was to secure a renegotiation (even if only on rollover terms) of awards so that the PSA had another year's breathing space to organise for the new industrial environment.

(See the "National Report to Delegates", March 1991)

The PSA strategy did not want to divert too many resources to protest action after the week of action: instead it sought to concentrate on the extension of awards. The April "Report" made it clear that attendance at rallies would be encouraged up until the week of action, but "from that point, emphasis will be placed" on settlements.

When the National Executive came to consider how to vote on the CTU Special Affiliates resolutions, it made its decision on the basis of a careful assessment of

reports from about 1,000 membership meetings that had been held during the first phase of ECB activity. The input from the rank and file was very comprehensive and the assessment was structured.

There was neither a knee-jerk response to unrepresentative meetings of activists, nor simple bureaucratic conservatism. Disappointing as it may be to some armchair revolutionaries, the process was decidedly democratic.

In the event the Executive decided not to support any form of CTU action, but rather a more limited "PSA Day of Protest". Its eventual support for the final resolution therefore probably went even further than its objective assessment of rank and file sentiment.

The "ECB Campaign Newsletter" of 12 April warned that "Apocalyptic adventurism is to be discouraged"!

So was that heavy handed suppression of member militancy? It seems not. The PSA commissioned an Insight Research survey of membership opinion. Interestingly, 65% of members were satisfied with the union's handling of the ECB campaign, and only 25% were opposed, (the rest not having an opinion).

But even the 25% opposition should be assessed with some caution. The PSA campaign was criticised from the left and the right – some saying it didn't go far enough and some saying it went too far.

It isn't possible to get a direct measure of the breakdown of dissent, but respondents were asked to volunteer reasons why they were not satisfied with the campaign. Because they were allowed more than one reason, the percentages sum to more than one hundred. There were five "reasons" that attracted substantial numbers of replies. Three of them are probably in the "didn't go far enough camp": not strong enough; too much talk, not enough results; response too slow. (This last one doesn't necessarily imply that the members would have done more).

One category was that the PSA's communications with members was inadequate and one was that the presentation of the content of the Bill was biased. Assuming that the first three categories would be dissatisfied because the PSA didn't support stronger action, we get a roughly two-thirds of the dissidents saying the PSA didn't do enough and one-third saying it went too far.

On that measure, something like 16 or 17 percent of PSA members would probably have supported a call for a general strike. That is something like the outer limits of what I would have expected. It is a big number, but it is still a very small minority. It is legitimate to argue that that 17 percent should have been given the opportunity to take the action it wanted. But it is not legitimate to stretch the bow further than that.

The membership survey results show that whether outsiders agreed with it or not, the PSA executive made exactly the right call in terms of where its membership was in April 1991.

What the PSA did do was serve notice for a 24-hour stoppage in the health sector on 29/30 April, and this is significant.

It is significant because if there was to be a general strike, it probably had to be built around the "core" of the health stoppage. When that was called off, the prospects for a successful stoppage outside of the areas of strongest existing dispute diminished substantially.

(b) Case 2: The Clerical Workers Union

The second case study is the Clerical Workers Union. The CWU adopted a similar strategy to the PSA of using unused rights to paid stopworks to rally opposition. The problem here was that in most areas, the union had already held the two permitted stopworks, and it was only in Wellington that a stopwork meeting could be held.

The meeting attracted 400 CWU members – large in terms of traditional turnouts at union meetings for that union, but reflective of the depth of activism on political issues that the union could mobilise. The meeting carried a motion to support a general stoppage, and that motion was the main justification of CWU support for the "general strike" amendment at the CTU special affiliates meeting.

That is certainly legitimate in terms of the union rules, but it does reflect a shaky mandate. The union had not called membership meetings in most parts of the country and 400 out of a total membership of 15,000 had participated in the ballot. When the general strike amendment was lost, the union decided to take no action on the 30 April "day of action".

(c) Case 3: The NZEI

The third case study is NZEI. The response of NZEI illustrates very well the relative importance of anti-Bill action in the total range of actions that the union had to consider.

The first edition of the union newspaper *Rourou* to come out after the December "Initiative" concentrated on the risks to members from the education reviews. The Employment Contracts Bill was covered on the bottom half of page 3. That again shows that while people might now be single-minded, at the time they were being engaged on a number of fronts.

To the NZEI, bulk funding posed a more immediate threat.

The NZEI convened a special general meeting – only the fourth such meeting in its 108 year history, so it was certainly taking the evolving political challenge seriously. It was also assembling membership opinion from all regions and from each divisional segment of its coverage. The resolution carried again sets out the priorities that the delegates determined.

Resolution one was on bulk funding. The delegates gave the executive an industrial “blank cheque” – but to resist **bulk funding**, not the ECB.

When it came to the Bill, the union had a similar dilemma to the PSA – oppose the Bill or protect members’ conditions. It decided on a similar two-step approach, but probably went further than the PSA with the first step. It endorsed a 24-hour education stoppage, and gave the executive a directive, not for more anti-Bill action but “to hold on to members conditions of employment”!

It was understandable that the education unions, having delivered the stoppage and support protest activity in the week agreed to, felt somewhat miffed when later those unions that had done nothing seemed to expect them to do it again when the rest of the union movement felt either ready or sufficiently emboldened.

The education unions, gearing up to fight bulk funding on one front and to defend conditions of employment on the other, and having spent enormous energy in mobilising not just stoppages but protest built around them, were never going to provide a core for a second generalised stoppage.

That role, if it was going to be carried out, would have to be performed by the health unions.

(d) Case 4: The health dispute

This is why the evolution of the health dispute, and the build up to a 24-hour health sector stoppage on 29/30 April, becomes crucial to an assessment of prospects for a general strike.

The view of the health unions was perhaps best summarised in a letter from the Nurses Association to the CTU on 17 January. “NZNA believes that any campaign in the health sector must focus not only on the Employment Contracts Bill but also the Ministerial Task Force on the Funding and Provision of Health Services. Of primary concern too, is to pressure employers on their position about the coming award round to ensure the best use of everyone’s time”.

Again, the multiple targets are apparent: in this case the ECB, but also health funding and the award round.

The health unions used the paid stopwork meetings to conduct highly visible protest activity during the “week of action”, and to vote on further action.

Those votes did support a general 24-hour stoppage with an 87 percent vote in favour, and because of the essential service nature of the industry, notice was served on employers on 12 April. There was therefore a strong mandate for a stoppage, and it is arguable that had the special affiliates meeting voted for a stoppage it would have had a core to mobilise around.

The health unions example also shows, though, that if there was genuine membership support for escalated action, any union did not need to wait for any "legitimisation" in the form of a CTU wide resolution. If the union(s) wanted to act, the only constraint was the force of member commitment.

On 24 April, selected health employers obtained an injunction from the Labour Court preventing stoppage action, and the unions withdrew their notices of strike action. The injunctions did permit a three-hour protest stopwork, and the unions resolved to join the CTU day of action on 30 April during those three hours.

It is interesting to speculate what level of confusion might have emerged if the CTU meeting had resolved to support a general call for action to coincide with the health sector stoppage when that was subsequently called off.

The episode did show, though, that the "all or nothing" stance of those who supported the general strike amendment was a cover for those who realised that they really could deliver very little. The health unions were prepared to take whatever actions they could within the limits of the law, and without preconditions being attached about only doing something if everyone else did as well.

(e) Case 5: Kinleith

The final case study raises the question of how vulnerable unions were to any counter-attacks from employers using legal instruments to conscript workers to stay on the job. It must be noted that this case study does not use primary sources (i.e. union records). Attempts were made to do so, but time prevented it. The episode relies on institutional memory and it would be useful to check how accurate that memory is.

It concerns the reaction of the combined unions at the Kinleith pulp mill in Tokoroa – a site with a history of militancy, and a one that has been both a recipient of and a contributor to solidarity actions. The workers at Kinleith did take a day stoppage during the week of action, and resolved to take a further 24-hour stoppage either as part of a general strike or as an independent action during any subsequent day or week of action.

The site had recently gone through a bitter restructuring and redundancy dispute, which had been settled along with a "no illegal strikes" clause. The company threatened to sue each worker individually for their share of any loss of profits resulting from a second action – in most cases that would mean losing their houses if the company won the case. The union called off the stoppage.

This illustrates a level of legal vulnerability that existed even for determined sectors of the workforce, and it could have been used quite devastatingly as a divide and rule tactic had the general strike gone ahead. Highly visible "work-ins" of militant groups during a strike would have created confusion and provided more grounds for different forms of division and recrimination.

Assessment

The decision on the "national stoppage" was not really a matter of principle but a matter of timing. The unions that took action in the week of action argued that follow up protest action rather than stoppage action was appropriate, and some that had not stopped in the week were looking for an opportunity to do so later.

The actual resolution did not prevent that, so why the controversy?

Broadly, those who disagreed with the final decision tend to fall into two camps.

One camp claims that escalating stoppages would have "defeated" the Bill. This doesn't deserve serious analysis. National had just been elected with an unprecedented majority. Similar general strike protest actions in New South Wales and in Victoria have demonstrated that the intensity of industrial action tends to influence when a Bill is passed, not if it is passed. Parliaments pass Bills more quickly to get them out of the way.

The second camp argues that a general strike would have been a morale booster on the eve of the new legislation taking effect: that an act of defiance would have created more confidence to fight back against later employer offensives.

This is a legitimate argument.

The counter argument is that a national stoppage can actually have counter-productive effects - it can demonstrate the limits of the unions to deliver. Even a "successful" general strike probably looks to get a (say) 20 percent turnout - unions could have been on the back foot, not the front foot arguing why the other 80 percent didn't stop work.

That was certainly the fallout from the general strike in 1979. It also seems to have been the consequence of the NSW general strike. There the argument was that the strike impacted mainly on public transport, so there was an involuntary level of absence. There was never any clear acceptance that it established support for union opposition to legislation.

The other consideration is the workplace circumstances of the time. In calling a general strike, unions need to be able to protect those who participate from victimisation back in the workplace. With the ECA looming, divided workplaces were more likely to be the norm, and polarising opinion around the tactic of a general strike could well have undermined union efforts to organise resistance to it.

Finally, there was the matter of resourcing the fallback strategy of negotiating the rollovers to create time to regroup, and whether an offensive strike reduced the ability of unions to take defensive measures.

At the end of the day, both arguments are really matters of judgement.

What matters as a matter of principle is that there was a solid and active resistance to the Bill - and there was - above most expectations of what was achievable at the time the Bill was first introduced into Parliament.

What also matters as a matter of principle was that when recommendations on specific tactics are considered, there is opportunity for proper debate and a democratic decision on conflicting proposals.

There clearly was that opportunity at the 18 April special meeting.

An irony of the critics of the CTU is that the essence of their criticism is that the CTU leadership acted democratically: that it actually made the decision by vote and did not "call" a strike unilaterally.

A distrust of the results of the democratic process is usually justified as the exercise of "leadership".

At the end of the day, the charge of a "lack of leadership" is actually a condemnation of the CTU for opposing anti-worker legislation through democratic collective worker action!

It is interesting to speculate why this continues as a running sore in union mythology. After all, there is no use in bemoaning what might have been. The past is past, and the challenges are of the here and now.

The campaign did create a platform of union member awareness and of public opinion that should have been used both industrially to resist employer claw-backs and politically to change the law.

Unions were not able to use that platform to maximum effect. There are external reasons for that. The severity of the 1991 economic downturn made jobs so insecure that it was harder to resist making concessions. The FPP voting system allowed a government with only minority support to persevere with the ECA despite a lack of democratic mandate. The about face of New Zealand First betrayed expectations of change after the 1996 election.

But some of the inability of unions to build on the platform is internal: divisions, rivalries, lack of confidence. And it is always easier to excuse inability than to confront it. This is why the "general strike" is a cloak. It hides some of the uncomfortable realities of union action in the post Act era.

One last reality check is needed. Those unions that voted for the "24 hour clause" amendment on 18 April would be well advised to check on the action they mounted before 18 April and since, and compare that with the record of those who voted for the original resolution and against the amendment. Equally, they need to think about what they could have delivered, and not only what they could support in a meeting.

"Militancy" and "leadership" involve action, not posture!