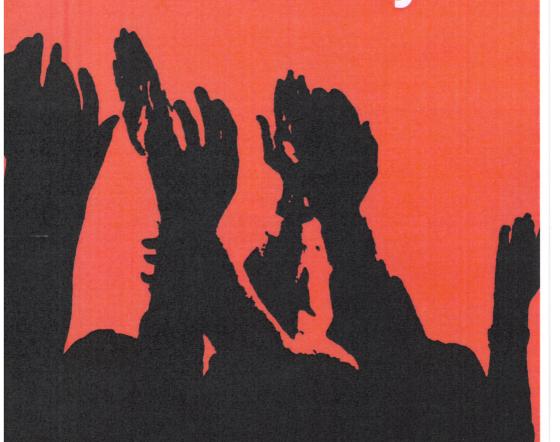
Accountability and Industrial Democracy



Explanatory Note

The Institute for Workers' Control considers that the TUC's proposals for the establishment of supervisory boards in large firms (50 per cent of whose members should be elected by the rank and file organizations of trade unionists) needs strengthening in a number of ways. Of course, the key question about this scheme concerns the actual powers that would be placed in the hands of the worker directors/representatives. Trade unionists would be ill-advised to accept participation on terms which were in any way weaker than those to be put forward by the TUC. A diluted scheme would not represent 'partial' industrial democracy, but a retreat from democratic principles.

These are the main conclusions drawn in the memorandum of evidence presented by the IWC to the Bullock Committee, (which was established in order to consider the TUC's proposals on the need for an extension of industrial democracy.) The memorandum, which follows, was drafted by Michael Barratt Brown and Ken Coates, following on an extended discussion within the Institute.

Foreword

Some years ago, around 35 to be precise, it was suggested to me by a well-known Marxist scholar of that time, that I should take on the job of editing a trade union rank-and-file paper. At that stage of my life the idea frightened the wits out of me, so I returned the compliment by suggesting that my knowledge did not exactly fit me for the job and that he should undertake it. His reply was one that I have never forgotten. "I was educated at Cambridge, taking economics among other things, but I am no more fitted to edit a trade union paper than you would be to edit an academic paper for Oxford and Cambridge dons."

I took on the job. Whether or not I was successful is neither here nor there. I know that none of my workmates ever offered to replace me.

Some years later I happened to be a member of a negotiating team which was discussing with the management a plan to increase efficiency in the operation of our services to the travelling public.

After a number of meetings listening to the ideas and propositions of the management, I told them that I was tired of hearing their ideas, which sounded to me more like efforts to increase their profit margins rather than service efficiency, and went on to suggest that the trade union side should begin to put forward some ideas by doing some thinking on their own account.

The lads then agreed to a meeting among themselves and came armed with their own ideas: what a cock-up some of them made of their first challenge of having to think for themselves! Had we gone to the management with some of their ideas, the lads on the job would have murdered them. But, no matter. I was a new experience for some of them, and I like to think that they gained from it.

I believe that these two stories bear some relationship to the decision of the IWC to submit evidence to the Committee on Industrial Democracy and to the danger of separating theory and practice.

It is one thing to pose — as the TUC rightly does — such questions as the number of directors and shareholders, details of ownership, sales turnover, home and export sales, production material and machinery costs. All highly technical questions which will have to be grappled with and resolved; but of equal importance is the role, purpose and policy of trade union activists, shop stewards and convenors within Industrial Democracy.

Just as some of our active rank-and-file unionists may have difficulty in following or understanding some of the theoretical and academic arguments and submissions which have been made to the Committee, so, equally, many of our political academics may well fail to appreciate and understand the problems which will face trade union methods and organisation in industry.

In my view some of our academic experts are becoming unduly optimistic about the results that Industrial Democracy may bring. For example, Roy Lewis in an article in *Tribune* on the proposals, quotes Tony Benn as once saying "Nationalisation plus Lord Robens does not add up to socialism."

Many of us, like myself, who worked within a nationalised industry for many years, will give a hearty "Hear, hear" to that view, apart from the fact that we could retort "Industrial Democracy plus the TUC is not a short cut to socialism."

It happens to be my view that the conversion to and interest in Industrial Democracy on the part of some of the politicians and national trade union leaders has come a trifle too suddenly. Some of them have allowed themselves to become divorced from the ideas and struggles of the shop floor, partly because of their dependence upon the machine and the establishment. While I will keep an open mind and am prepared to be persuaded that the Government and the TUC mean business, my experience stretching over fifty years in the trade union and labour movement compels me to say that if I were an active factory convenor at this stage in the game, I would prefer to play with a stick of dynamite than to play with the idea of becoming a member of a management board.

Perhaps I am being too pessimistic, perhaps we can hope that the experiences and knowledge gained over recent years by trade unionists as a result of Upper Clyde, Meriden, Scottish Daily News, Vickers Combine Committees, Lucas (socially useful products), Imperial Typewriters, and the numerous sit-ins of one kind and another, will make them approach any proposals emanating from the Committee with with a good deal of cautionary questioning.

The questions that come to my mind if Industrial Democracy is to be taken as a serious intention are:

Should the so-called workers' representatives of management or supervisory boards be elected from the existing members of works committees? If not, why not?

If they are to be elected from the factory floor what relationship and contact, if any, will be proposed between them and the elected shop stewards and/or works committees?

In any case, how is any conflict of views or policies between the workpeople and their management representatives to be resolved, and what follow-up will there be if they fail to agree?

What liaison is likely to be catered for as between work-people's management representatives in individual firms within the same industry, say, Leylands, Fords, and Vauxhall?

How will Industrial Democracy and workers' representatives operate within the multi-national firms?

What provisions will be made to ensure that the representatives of the workers are present at all levels of management and not just at the top level, with the danger of the lower levels reneging on an agreed top level decision?

What demands will be made in order to make certain that the workpeople's elected representatives will be provided with the same information and facts as their management opposites, and even more important what support will be given for their training in the technical and economic knowledge necessary to understand big business management?

These are but a few of the questions to which trade unionists should demand

answers, so that their practical knowledge can be married to the theoretical knowledge.

As a retired trade unionist, I — like Asquith — "have to wait and see", hoping at the same time that rank-and-file trade unionists throughout industry will continue to struggle for their members and for real Industrial Democracy through Socialism.

Bill Jones.

Introduction

The first purpose of this paper is to suggest to the committee that in any proposals to allow for workers' representatives on Boards of Directors that it may consider making, it should recognize three essential prerequisites, if such proposals are to have any chance of acceptance among the more active trade unionists. It scarcely needs to be emphasised that these men and women have been responsible for the recent extension of workplace controls, which provide the main existing element of industrial democracy and the main base for its development. The essential prerequisites suggested in this paper are the following:

- a. Worker directors would have to be elected through the trade union machinery, and subject to report and recall to their constitutents;
- Any scheme for worker directors would need to be part of a total structure of worker representation at different levels of a company;
- Worker director schemes would have to be associated with long-term planning agreements between government, company and trade union representatives from the company;
- d. Information-flows opened up by the extension of Industrial Democracy within the firm must be available for wider social-democratic purposes.

Evidence to The Bullock Committee

A. Trade Union Single-Channel Representation

The concept of a 'single channel of representation' generally relates to a situation in which trade union representatives negotiate on matters that were previously or elsewhere the subject of "consultation" with a different group of workers representatives, often elected outside the trade union machinery. The latter is likely to be unacceptable to the unions and to foul up industrial relations by exacerbating the rivalries of official and unofficial trade union power groups. This is not necessarily an argument against the trade unions themselves running two sets of representatives—one for their negotiating team, one for their "management" team—both subject to direct election. Team members could and would switch around.

If it is agreed that two-tier boards are to be introduced, then there still remain various options within which they might be constructed. Assuming that the device of the supervisory board is accepted, it need not necessarily be a body in regular session. It might be given a charter to meet at certain fixed intervals, punctuated by such special sessions as might be required under due procedures previously established. For example, it might be summoned to consider the Annual Report before it could be approved, and otherwise recalled upon the request of a specified number of member signatories. Or it might be given particular powers which would require meetings on particular (and specified) clusters of issues. Or it might meet frequently in a formal manner similar to that adopted by most existing Boards of Directors.

In the same way, the nomenclature of the new system need not necessarily follow that of continental counterparts. Since the TUC has proposed parity of representation with a workers' veto over certain key appointments as well as certain types of policy matters, it is clear that they have in mind a new company structure which is far more consistently democratic than is that of, say, German co-determination. Such a structure might be well-described if the governing body were called an "Executive Council", and if its members were given the name "representatives", which would accurately reflect their function. Whatever the nomenclature, however, it is clear that the TUC anticipates a real encroachment of powers, which would give trade union representatives certain carefully determined rights of veto, and very wide new rights of prior consultation, together with access to information.

We feel it necessary to add some additional recommendations concerning the appointment of trade union directors/representatives. Between drafts, the TUC policy substantially augmented its proposals to ensure the accountability of worker-delegates. The crucial question at issue is that there should be a right of recall, not only at periodic elections, but, under duly precise constitutional formulae, between such elections. If it fails to guarantee this right, any new legislation will necessarily find that the confidence of workpeople in the new arrangements will be undermined, and that there will be a certain reluctance on the part of some of the key workers concerned to offer themselves for election. Recall for shop-stewards already exists, in most cases

as a theoretically instant procedure. That is to say, when a steward loses the confidence of his workmates, he can theoretically be replaced the moment they so decide. Numerous studies of shop-floor practice show that, in fact, such recall is an infrequent occurrence. Yet it remains very important to maintain the tradition, partly because of the need to win that confidence in the new arrangements of which we have already spoken.

At the same time, the TUC make no recommendations about the pay of the proposed worker director/representatives. We think that they should be recompensed by the unions themselves, at the prevailing rate for absence from work on union business, with approved union expenses. At the same time, it seems clear that the unions should have the right to collective recompense, from firms, for the work put in by union representatives. Such a stipulation is clearly important if we are to avoid the mistrust and suspicion which would certainly arise if workers representatives were to be remunerated on directorial scales.

In the first instance, worker directors would all be likely to be experienced trade union workplace representatives. There might reasonably be some holding dual office, but whether all worker directors should hold office as leading negotiators and worker directors is not something that can be decided as a matter of principle. This might work in some cases, but not in others. It does not seem to be simply a matter of logic, as some have suggested (the Plowden Report for example) that "representing trade union members interests . . . could not be reconciled with even a share in responsibility for managing . . ." or (also from the Plowden Report) that "turning the Board from a decision and policy making body to a negotiating body . . . good management would be impossible."

Boards do not make policy; they ratify policies, or refuse to do so; these policies are originated at a lower level, in the sense that the Board only receives already prepared proposals, which have been the result of a long process of choice and decision making. Refusal to ratify means that the proposals go back for rethinking. The Board is very much a negotiating body, in that it is frequently the Chairman and the managing director's task to reconcile the different views and aspirations of different parts of management. Why should not the views and aspirations of workers be represented at this level?

The thinking of the Plowden Report in this matter is similar to that which informed the British Steel Corporation worker director scheme. The worker directors were in the first instance required to give up all union office and even to serve on divisional boards that were not their own. These two restrictions have since been withdrawn; but the small number of such directors — one or two on each divisional board and one on the national board — reflects the fear that the board might be unable to make decisions if there were more. The fact is that one or two are not enough to ensure that the workers' view is fully taken into account in the evaluation of proposals that come up to the Board for ratification.

The crucial point for any trade union representatives on Company boards must be that they retain their own power base, in the union. Other directors do not give up their power bases when they join the Board — they represent departments or divisions, areas or plants in the company. The analogy is not exact, but it is significant. Full-time board membership without a power base is only meaningful for

the chairman, vice-chairman and managing director, who have overall power in the company. The implication of this is that the trade union representative must feel duty bound to report back to and consult his members. While this need not mean reporting to all members on all matters, there is at the moment far too much so-called secret and confidential restriction placed upon discussions and papers in industry and government, which cannot be justified on any grounds except the limitation of industrial democracy; but there is in any case no evidence that trade union committees are less able to keep necessary secrets than managerial committees.

The eminent Belgian Socialist statesman, Louis de Brouckere, outlined a classic approach to this question for the Belgian Trade Union Congress (FGTB) of February 1924. After specifying a wide ranging programme of demands for enhanced accountability, he said:

"But I ought to frankly admit that, rare as they are, trade secrets can exist. I freely recognise that certain documents, e.g. a list of the firm's customers, cannot always be made public without commercial risk. But, then, the publication of this sort of thing would be of no real advantage to the workers."

In the light of recent experience, even De Brouckere's concession to the principle of commercial secrecy appears to be too sweeping. At the recent "work on" at the River Don plant in Sheffield, one of the main assets of the work people in their dispute with the British Steel Corporation was their access to a full list of the firm's customers for very heavy castings. Once they were able to approach these customers, the British Steel Corporation received strong representations from many firms, who, as a result of the steel-workers' initiatives, had been made aware of the imminent loss of a major resource.

It can be argued that the trade unionists will be continuously at odds with the rest of the Board because of the requirements of capital accumulation in a competitive market economy. This, of course, is the main argument of most trade unionists against worker director schemes, and the reason for the third prerequisite examined below.

B. The Structure of Trade Union Representation

It has already been suggested that trade union representatives at Company Board level will not be able to exercise the power that their members will expect of them unless they are not only made subject to report and recall to their constituency, but are connected with a structure of trade union representation at different levels of the company. A structure that is suited to all companies cannot be laid down as a matter of principle any more than can the relationship (or identity) of trade union negotiators and worker directors. This must vary greatly from company to company, according to its own operating structure.

It is a matter of fact, to which the attention of the Committee is drawn, that a number of Combine Committees, representing different unions convenors in big companies, have drawn up worker director schemes. A number of these are summarised in the chart which is attached to this paper, as originally published in the Institute for Workers' Control Bulleton No.30, of December 1975.

Another model for extending workers' control at different levels of a nationalised

industry is examined in the Institute for Workers' Control Pamphlet No. 38, on *Public Ownership and Democracy*, which is also attached to this paper. Although this last model relates to the public sector of industry, which is outside the Committee's remit, the principles and problems raised apply also to the Private Sector, with the important proviso: that an effective substitute has to be found for the parliamentary control over the operations of nationalised industries, if worker directors are to be protected from the anti-social decisions pressed upon them by the forces of the competitive market in which capital accumulation through profitability is the key to survival.

Long term planning agreements between the government, the unions and the larger private sector companies offer a possible alternative to the obligations placed upon industries in the public sector; and it is with exploring of worker director schemes that most of this paper is concerned.

C. Planning Agreements and Industrial Democracy

The terms of reference of the committee include the sentence:

"Having regard to the interests of the national economy, employees, investors and consumers, to analyse the implications of such representations (i.e. of workers on boards) for the efficient management of companies and for company law."

No definition is offered of the word 'efficient', but given the earlier reference to 'the interests of the national economy' it may be supposed that the social costs and benefits of companies' activities as well as their private accounts will be included in the criteria for assessing 'efficiency'. The interests of the national economy provided the main grounds for the introduction of Planning Agreements into the Industry Act of 1975; and the relevance of this for the Committee's recommendations is recognised in the eight of the 'Areas for comment' singled out by the committee as those on which it is seeking guidance from those offering evidence.

"8. Democratic Boards and national planning, i.e. links with consumers and with planning agreements."

Experience of worker directors in the British Steel Corporation and in German companies has suggested that the matters on which trade union representatives acting at company level have their greatest interest are not limited to the day-to-day management of company affairs, many of which are already subject to trade union negotiating procedures, but extend to the relation of the company's activities to the total economic activity of society, national and international. Theoretically, the allocation of national resources in a market economy, even one subject to massive government intervention, is left to the tests of profit expectations in a competitive world. In practice, this all too often means that resources are attracted to firms having monopolistic positions and are subject to large companies' transnational movements effected by transfer pricing and investment policies, which are not revealed by company managements and are exceedingly difficult for even governments to monitor and control.

It is well-known that the major matters that go up to board level in British companies, or Supervisory Board level on the continent, for decision, or at least for

ratification, concern just such policies of pricing and investment. The adoption by the TUC of the proposal to place trade union representatives on supervisory boards for British companies, on the continental European model, recognises the importance of this area of decision-making at 'Board level'. The wide range of information on company forward planning that the TUC believes to be necessary "if participation in management decision-making is to become a reality" confirms the importance attached (see para. 78, p.33 of the TUC statement of Policy on Industrial Democracy, May 1975):

"Details of new enterprises and locations, prospective close-downs, mergers and take-overs:

Trading and sales plans, production plans, investment plans, including research and development;

Manpower plans, plans for recruitment, selection and training, promotion and redeployment; short-time and redundancy provisions."

One trade union's attempt to set out a 'model planning agreement' ("The Crisis in British Economic Planning": ASTMS 1975) made it clear that all such information would have to be made available, not only for the whole group of companies, but for each Product dividison, for each plant, for subsidiaries, wholly or partly controlled, and for investment overseas. The Industry Act, 1975, refers to the 'relevant undertakings' of companies for which information can be required by the government. The breakdown of this information by plants, divisions and geographical locations will be of crucial importance for government control over the transfer pricing and investment policies of companies. But the further requirement that such information shall be furnished under the Act to "the authorised representative of each relevant trade union" is of crucial importance equally for the safeguarding of the position of trade union representatives elected to the position of worker directors.

The fear of all trade union representatives acting as worker directors of companies in the private sector, and the fear equally of active trade unionists and their colleagues becoming thus involved in company decisions, is that they will be put into the position of having responsibility without power – responsibility for decisions which may be harmful as well as beneficial for their members' interests, without the power to influence those decisions. The power of government under the Industry Act to require disclosure of information on forward planning both to the Department of Industry and to the Unions offers to worker directors the only effective guarantee that they will have effective power to influence decisions. (It offers at the same time the only sure check for the government that it is being told the truth; only the workers themselves will know, for example, whether a product, the price of which has been changed, is in fact a different product and not the object of a purely arbitrary transfer pricing change.) The strength of the links that exist between different levels of the trade union structure in companies, and particularly between the shop-floor representative at the bottom and the worker director at the top, will alone ensure that the worker director has a firm base of power from which to represent his members' interests (and also to correct any misinformation that is supplied to government). The strength of the links that exist between the worker directors and their national union officials involved in drawing up planning agreements between the government and individual companies will alone ensure that the worker directors' representation of the members' interests is effective.

It could be an important aspect of planning agreements that the Minister should invite workers in companies through their trade union representatives and their worker directors to submit plans for new developments, including new locations and new products, for their companies; and to join in some parts of the process of negotiation on planning agreements. Once again the structure for such involvements would vary from company to company. Dr. Stuart Holland in his book, Strategy for Socialism has made a number of valuable suggestions, which the Committee might wish to consider. He argues inter alia (p.72 ff) that the problem of corporate secrecy, which is heavily safeguarded in the Industry Act is greatly exaggerated. The actual designs, formulas and specifications of products and the know-how involved in their production are not likely to be matters for discussion. The point has already been made that much information, which is now marked as 'confidential' is given this category not because of any real commercial necessity, but because an authoritarian system of company management has prevailed, which it is precisely the purpose of industrial democracy to replace.

The Committee's terms of reference include links with consumers under the eight 'Area for Comment' Democratic Boards and National Planning. This is an important question, and it is an important part of the lessons that may be drawn from recent Yugoslav experience of self-management in industry that worker-owned and worker-controlled companies are just as capable as private capitalist owned companies are of using monopolistic positions to exploit the public. The emergence in Britain of a number of large companies, in which workers and management colluded in exploiting monopoly questions, could not be a desirable outcome of measures for establishing industrial democracy. One corrective for such a development is again the system of planning agreements, involving the government and national trade unions as well as the companies and trade union representatives in them. A major argument in the Plowden Report for rejecting the bipartite proposals of the TUC (50:50 management-union Boards) for the Public Sector is that a "monopoly supplier of an essential product particularly needs the injection of consumer views and experience gained outside the industry." What goes for electricity supply could be applied to firms with monopolistic positions in the private sector. It seems a somewhat implausible argument, however, that the presence of directors on Boards injecting "experience gained outside the industry" into the decision making processes of these Boards would have much effect in moderating monopolistic powers. They might even collude in their perpetuation, if their experience outside industry was in supplying plant and machinery to the Boards, as it often is. The activities of Consumer Councils and the enquiries of Select Committees of Parliament have probably a much greater effect.

It should not, however, be assumed that trade union representatives on Boards of large companies would be so inclined to forget that they are consumers as well as producers. The financial gains to them from the exercise of monopolistic positions will not be likely to be on the same scale as those accruing to other directors and to shareholders. There remains a problem to which the Committee will have to give

thought; and this is that the proposals both for planning agreements and for worker directors tend to be related to the situation of very large, often transnationally operating companies. One of the main advantages of having worker directors on boards of these companies might be that investment in British plant for the British market would tend to get a higher priority than heretofor. These companies are, nevertheless, those where productivity is highest and wages are highest. Workers in other firms with lower productivity and those in non-productive industries look for wages equal to those available in the high productivity plants; and the tendency is for average wages over the whole country to rise above the average level of productivity. Government incomes policies and taxation policies are designed to transfer surplus from the capital intensive high productivity sector to sustain employment elsewhere. A strengthening of the unity of workers and management in the high productivity sector could, even under a regime of planning agreements with government, result in making the transfer of their surplus an even more difficult measure for governments to effect. Owners of capital may be restrained from transferring capital overseas by their worker directors. Those earning high wages may have to be encouraged to accept high rates of taxation by government decentralising the collection of taxes and the control over its expenditure.

D. Information Flows Must Be Available for Wider Planning Purposes

It is necessary to ask what would be the overall macroeconomic effect of the full implementation of the TUC's proposals. In a nutshell, the private sector would, unless it were affected by other measures besides those proposed by the TUC, become a diluted syndicalist sector, in which joint determination replaced the traditional syndicalist model of sole trade union industrial government. The weakness of syndicalism as a model social structure was that it remained subject to the established industrial division of labour as determined in the market-place. Yet the social inadequacies of a market-dominated society were themselves a major cause of the discontent which gave rise to syndicalism itself as a protest movement. Whilst some syndiaclists were aware of the problems involved in this difficulty, the syndicalist movement as a whole never propounded any convincing solution to them. Almost all historians agree that this is one of the main reasons why syndicalism was eclipsed after the communist revolution in Russia, although no-one can doubt, in the light of history, that on the plane of libertarian considerations, which must always be significant for any truly vital trade union movement, this represented a real regression. In what became the predominant communist model, the democratic baby was put out with the market bathwater.

Today, in the light of the growth of State intervention in capitalist economies, it is eminently conceivable, at least in theory, that democratic planning mechanisms could evolve, combining a large measure of workplace organizational autonomy with a high degree of effective assertion of agreed social priorities. There is today no reason why blind market criteria should continually circumscribe whatever areas of industrial democracy may be developed. Actively deployed, such mechanisms as the National Enterprise Board, employing such tools as planning agreements, in the form in which these were originally conceived by the architects of the Labour Party's Industrial Policy, could provide a powerful countervailing authority in

which harmful market powers could be dissolved in popular choices.

But a precondition for such a positive development would be that the principle of accountability were sufficiently broadly defined. Information which is needed by workpeople for bargaining purposes is even more needed for planning purposes. For example, if productivity negotiations in a series of key plants in a given area result in labour economies this creates a restriction of future job opportunities, which is often far more painful for the local community than any readjustments which are internal to the existing labour forces. If disclosure is restricted to employees on the basis solely of their rights in employment, then it cannot possibly become the basis of the necessary information input for democratic regional planning. But if trade unions are able to correlate the reports on likely future labour demand in various key plants within a particular region, then they are in a position to raise demands for alternative investment in time to avoid harmful downturns in employment prospects in that area.

Disclosure of course, must be a personal right for workers, to be exercised through their appropriate organizations. But it will be a sadly restricted right if it cannot be collectively agglomerated at the local, industrial and national levels to permit trade unions to act with insight and foreknowledge. If disclosure is hedged about with negative restrictions, then a major opportunity for democratic innovation in the process of social and economic planning will have been wasted.

This problem was clearly understood by the Belgian trade unions, organized in the FGTB, in their 1971 programme on Workers' Control.

"The question of liaison between the factory councils of various companies (exchange of information, inter-company comparisons, etc. . . .) must be brought up. This problem of liaison arises in the economic sphere on the following different levels:

- groups of companies manufacturing similar goods and situated in the same area...
- groups of companies dominated by a holding or a parent company . . .
- groups of companies of the same industrial sector (e.g. Metallurgy):
- groups of companies of the same region (e.g. the case of companies in a depressed area).

When economic decisions are taken at a level higher than that of the company (e.g. the case of companies run by a holding) the usefulness of links which enable economic problems to be raised at the level where decisions are really taken is obvious.

It would also be very convenient to forge links at the level where decisions should be taken and where this does not yet happen. Such a possibility is particularly urgent as regards the regional labour market.

In other words, a simple vertical liaison with the Trades Council (which in any case has never been established) is not enough considering the present complexity of the network of economic relations."

(A Trade Union Strategy in the Common Market: Spokesman Books 1971.)

Industrial democracy, in other words, cannot be seen in isolation from either the effectiveness of social controls over private capital or the extension of political democracy to local units of government, which seem to be meaningful for local citizens. Such a proposal goes far beyond the terms of reference of the Committe; but the possibility might be considered that trade union representation at different levels of company structures could be combined with representation of local populations living in the neighbourhood of plants and enterprises. This would not only provide some check on the exploitation of monopolistic positions; it would certainly help to control pollution and damage to the environment in that neighbourhood.

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