

9. Gender-specific Strategies for Industrial Action: The Swedish Case in Historical Perspective

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9.1. Introduction

From a trade union perspective, a pre-condition for successful bargaining has always been the possibility to take powerful industrial action, with the strike as the most important means.¹ One result of the transformation of Nordic Industrial Relations and the growing importance of multinational HRM strategies in the last decades has been the challenge to traditional methods of collective action and thus patterns of industrial conflict have changed. This chapter discusses one, often forgotten, aspect of these changes: the differences between men and women.

Primarily, the debate on collective action emanates from a few classic studies: Shorter and Tilly (1974), Tilly et al. (1975), Clegg (1976) and Crouch and Pizzorno (1978). All these studies emphasize strikes as the workers' strongest means for bringing pressure to bear in negotiations with the employer. Yet, mention is seldom made of the fact that irrespective of time or country, strikes have been a weapon mainly used by male-dominated trade unions within male-dominated occupations. Strikes for instance, have always been more frequent among miners, longshoremen and metal workers than among workers in food processing or garment, or in service occupations (Thörnqvist 1994: 157-68).

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Obviously, gender differences alone do not *explain* differing strike patterns or other forms of labour market militancy. Features such as pay setting systems, organization of work, labour processes and trade union traditions are highly important to understand occupational differences. Yet, gender differences remains even after all other factors are taken into account, which motivates the subject for this study. Also, there are tendencies that the wage-gap between men and women is today slightly widening, or at least no longer narrowing after half a century of slow equalization (*Statistics Sweden* 2001: 256), which calls for new strategies from a ‘female’ trade union perspective.

In the mid-1970s, Clegg (1976) observed a close association between collective bargaining structure and overall patterns of industrial conflict. For instance: the risk of strikes – official as well as wildcats – is higher the more decentralized a bargaining system is; yet, the number of wildcat strikes can be reduced by elaborated and efficient dispute procedures (Clegg 1976: 76 and 82). The conclusion still holds, however, later studies have shown that the relation between collective bargaining and industrial conflict is more complex than Clegg suggested. Particularly important in our case is that the outcome of the relation between collective bargaining and industrial conflict differs widely between the four main Nordic countries, among which Norway and Denmark are the two poles. Norway has experienced an exceptional industrial peace, even during the rebellious 1970s, while unofficial strikes in the Danish private sector have become an integral and largely accepted part of the bargaining system, unaffected by business-cycle related economic factors (Stokke and Thörnqvist 2001).

Therefore, we shall limit our investigation in this chapter to a case study of Sweden. It would take us too far to try to cover all the five Nordic countries. However, we do not limit our study to any particular sector of the Swedish economy; on the contrary, a starting-point is that gender differences in conflict patterns and bargaining strategies exist both between and within different industries.

Moreover, in most Western countries labour disputes are regarded as disputes of interest, irrespective if the dispute is a minor clash of opinion between an employer and his employees in shop-floor negotiation over wage setting, or if it is a strike involving thousands of workers. In all the Nordic countries, industrial relations are heavily legislated, or ‘juridified’, such that disputes of interest are transformed into disputes of rights (Bruun 1990: 18–19). Hence, knowledge of labour legislation is necessary to understand old and new collective strategies. Of particular importance is how the status of the most important means for labour market regulation, the collective agreement has changed. Sweden has the highest overall union density in the world; the vast majority of Swedish employees are covered by collective agreements. There is no actual difference between men and women; in the end of the

1990s, 52 per cent of all union members were women (Kjellberg 1999: 66-67²).

Still, collective bargaining has developed within an industrial relations system dominated by men and male dominated organizations; accordingly, new agreements are always settled within the frames of the existing industrial relations system. Thus, in the words of Bercusson and Dickens (1996), neither collective bargaining nor the collective agreement is gender neutral.

Yet, this is a previously unexplored field of research and we do not claim to cover all sectors of the labour market or all aspects of labour legislation equally well. Our findings should rather be seen as a point of departure for further, more detailed analyses.

One hypothesis, or rather guideline for the study is that reasons why employed females are less strike-prone than males must have deep historical roots; otherwise, the differences would not be so sharp. Hence, we discuss both the first attempts to organize women in the labour market and – rather thoroughly – some strikes organized and carried through by only women. In both cases, the aim is to illustrate differences between ‘standard’ or ‘male’ ways of organizing union activities and carry out strikes. Second, we focus on the early and mid-1990s, since this period was a rather sharp turning point in the history of the Swedish model. Two events are highlighted especially: the decentralization of collective bargaining and the individualisation of labour market legislation. Since both events affected ‘ordinary’ trade union policies and strategies, our hypothesis is that the ‘female’ strategies must also have been affected. Moreover, parts of the new legislation were explicitly aimed to equalise relations between the sexes, which strengthens our hypothesis.

Accordingly, the outline of this chapter is largely chronological. The following section deals with the first attempts to organize women workers at the turn of the previous century and other ‘female’ strategies till the end of the Second World War. Section 3 discusses some remarkable women’s strikes in the otherwise so quiet heyday of the Swedish model. Section 4 analyses the evolution of new collective strategies among women workers in the 1990s, particularly in the health care sector. Section 5 presents some theoretical aspects on the development as well as the most important issues for the future.

9.2. Organizing Women: Some Historical Aspects on Organizational Power and Strategies up to the Second World War

²Women’s organization rate is slightly higher in the public and slightly lower in the private sector than men’s.

9.2.1. Women's organizations

Workers have traditionally tried to achieve collective rights through trade union organization. Yet, there have historically been great organizational differences between men and women. The most important difference was that women, for several reasons, did not associate themselves with trade unions to the same extent as men. Still, there were several unions only open for women in the early 1900s. Östberg (1997: 200) found 62 such organizations, aimed at defending female workers' rights versus employers. The reasons behind the rise of female unions were that many women found it difficult to be heard within the existing unions. This pattern was particularly clear in governmental services (Nilsson 1996; Waldemarson 1996).

The first Swedish union for women was founded in 1886 by glove-seamstresses in Lund in southern Sweden; the first women's unions chiefly appeared in textile and clothing, where the relative number of female workers was very high. In 1902, those organizations formed the Women's Union (Kvinnornas fackförbund): a confederation covering the whole textile and clothing sector. However, men initiated the Women's Union. Since women generally worked for much lower wages than men did, the intention of the organization was to reduce wage competition between the sexes. That was also the main reason why the Women's Union was accepted as a member of the Swedish Confederation of Trade Unions (LO) in 1904. Already six years later though, the Women's Union was split up and ever since then the LO has promoted mixed organizations including both female and male members.

Almost simultaneously, though, purely female occupational organizations were founded in the public sector. The public sector appointment system strictly separated men and women into different positions; thus women found an organization of their own much more powerful than belonging to a union run by the interests of another (male) profession. Moreover, women did not feel welcome in the male-dominated unions; some of the public sector unions even openly declared that membership was reserved for men (Nilsson 1996: 152 and 182).

Despite the LO's policy to avoid separate unions for men and women, a large number of female occupational organizations with union ambitions still existed in the private sectors between the wars. In Stockholm alone, there were about fifty such organizations, organizing as diverse groups as female office workers, sales clerks, restaurant staff, domestic servants and dentists. Many of these organizations cannot be labelled as trade unions in the traditional sense. Yet, their purpose was to attain collective rights through collective actions, even though employers did not recognise the organizations as negotiating partners and even though they were not as militant as the 'male' unions (Östberg 1997).

If women's organizations were recognised as neither negotiating partners nor militant, one must ask what power resources and strategies they really had. In both the private and the public sector, a key feature was co-operation rather than confrontation in contacts with employers as well as with other worker organizations. Women built networks. The goal was also to negotiate with each employer separately and on individual basis. By increasing the members' skills and educational level, these organizations believed they could improve their members' employment conditions and wages in negotiations with employers (Waldermarsson 1996: 213).

However, a main flaw in this strategy was that it was best suited for a highly 'gender-typed' labour market; that is, industries, businesses and enterprises where there were distinctly demarcated occupational groups dominated by women. Swedish unions are however industry associations, not occupational ones like for instance in the UK. The more the unions within the LO and the Swedish Confederation of Professional Employees (TCO) amalgamated into larger unions, the harder it became to maintain women's separate organizations. As affiliates of an industry association, a women's union had to accept all employees in the industry as eligible for membership, not only workers with specific occupations (Nilsson 1996: 226-27; Östberg 1997: 140 and 157) Accordingly, women's unions disappeared with the continuous amalgamation during the inter-war period.

9.2.2. Competition or Loyalty?

As mentioned, women competed with male workers in the labour market through their lower wages, which made them both dangerous and unpopular in the trade union movement, especially in periods of increasing unemployment. In Denmark, low-wage competition was an explicitly stated means for women's unions such as Kvindeligt arbejdsforbund (KAD). For instance, Kvindeligt arbejdsforbund opposed the introduction of the ILO's convention no. 100, a principle of equal pay for equal work between men and women (Olsen 1984: 237).

It is not likely that low-wage competition as a consciously used means for women's organizations was particularly wide spread in Sweden. Still, the threat was very real to the traditional unions. Separate wage scales for men and women were introduced in the Swedish engineering industry in the 1920s. For more than a decade, the employers' association, VF (Verkstadsföreningen), had pressed for separate wage rates but the union Metall, had resisted in order to avoid negative competition for jobs between men and women. When Metall finally agreed on separate wages for women, the main argument was that since women themselves accepted lower wages and were willing to work for wages below those prescribed by the collective agreement, maintaining equal wages would just hinder settling of agreements (Larsson 2001: 149).

It is in situations such as these that we find the origin of women's more defensive labour market strategies. While men could actively press for higher wages or other forms of better terms, women had, both individually and collectively, to fight for the rights to work at all, and for the right to keep their job if they married. As in most European countries, this difference became obvious right after the Second World War. Women had filled in for men in the sectors of the economy which were of high importance for the mobilization – not to the same extent as in the belligerent nations, but no doubt the Swedish economy would have suffered seriously without the new female labour in manufacturing. When the war was over, the women were supposed to go back to homemaking, or rather to return to menial jobs, in order to make room for men. Normally the women made no fuss about leaving their better-paid manufacturing jobs in the war industry; they did it in solidarity with their husbands, brothers and sons, who were the ordinary breadwinners.

Actually, several of them had entered the labour market in loyalty with their country. In a successful newsreel drive during the war, the Swedish government introduced the character 'Mrs. Loyalty' (*Fru Lojal*). Mrs. Loyalty was every married woman without juveniles who, beside her tasks as a homemaker, took place in the war industry during the state of alert. Mrs. Loyalty did this – as her name hints – not for her own purposes but in a rather altruistic manner for the benefit of the country in a very specific historical situation. Accordingly, it was only natural that she did not get the same pay or gained the same rights or working conditions as an ordinary, male worker: after all, her position was only temporary. It was also natural that Mrs. Loyalty should not compete with the returning men after the war, despite the expanding labour market (Overud 2000).

Yet, neither the 'entering' nor the 'returning' should be exaggerated. In fact, after the war, women returned to lower-paid, menial jobs; they did not leave the labour market. The percentage of women working (outside the agrarian sector) varied between 30 and 35 per cent during the whole period 1930–1950. The number of married women in the labour market even increased after the war, from some 10 per cent in 1945 to about 15 per cent in 1950. In addition, the sharp rise came in 1960, when the number of women in the labour market increased from under 40 to some 55 per cent in only two years (Lundh 2002: 206–9).

Despite the return to menial jobs or homemaking, many women had made new organizational experiences, useful for the future. One experience was that women did not count as men, even when they did the same job and even when they were in practice the family's breadwinner, as they many times were during the war. They had also learned that the better-paid jobs were for men, not for women. Some trade unions, such as the largest public sector union for municipality workers (Kommunal) even refused to affiliate women,

since they were considered 'temporary employees' and supposed to leave their jobs as soon as the war was over (cf. Lane 1995).

9.3. Women on Strike

True, the women's organizations disappeared from the labour market during the palmy days of the Swedish model and the solidaristic wage policy; yet, the different strategies between men and women remained. The most obvious case is the strike pattern: both legal and wildcat strikes were more sparser in 'female' occupations and unions dominated by women (Thörnqvist 1994: 175-78). Moreover, strikes in traditionally male occupations chiefly had an offensive character; they were short wildcats in the manufacturing industries, usually in connection with plant-level negotiations, aiming at gaining as much as possible from the wage-drift. During the Fordist era, the threat to stop an assembly line was always dangerous to the firm, which thus gave the workers a strong position in wage negotiations. One goal with the Swedish model was to equalize wage differences between occupational groups in different industries. Therefore, and actually a bit paradoxically, there was always a great possibility to gain from wage-drift in the local negotiations in the profitable export industries, such as the male-dominated engineering industry. Accordingly, the use of wildcat strikes in connection with firm-level negotiations were always more tempting in those industries than in declining industries such as the female-dominated garment industry. In other words, the typically male strike took place among the groups of workers who had the most to profit from the Swedish model (ibid. 295-99).

Before we go on to discuss the connection between men and women's strike patterns and the Swedish industrial relations system and work organization, it should be emphasised that gender differences are likely to be partly international. Hence, the differences cannot be solely explained in a national context, that is, by the greater opportunities for wage-drift male occupational groups received within the Swedish model. Already in the 1950s, Knowles (1952: 210) noticed that while for instance skilled, male car workers could be very strike-prone, grievance among young unskilled women in the clothing industry rather appeared in increasing labour turnover. Even though Knowles discusses the UK half a century ago, his statement is well representative of today's Sweden or at least Sweden in the 1980s. Probably the situation was the same half a century before Knowles's study too (cf. Cederqvist 1980: 116-22). As hinted above though, not many studies have addressed the issue more seriously. However, the few existing investigations, dealing with for instance the UK, Norway and Finland, all seem to arrive at the conclusion that differences between men and women are rather due to structural factors than explicitly to gender. Women very often worked in industries where neither men nor women were particularly active in trade unions and in sectors

where there was little hope of wage-drift (cf. Julkunen and Rantalaiho 1993). Not strangely, men and women with similar occupations seem to act in the same way. A thorough study of strike-proneness in British manufacturing in the late 1970s found no significant evidence of differences between workplaces with a high number of female workers and workplaces with only few women employed (Edwards 1981: 143).

9.3.1. Some Remarkable – but Unsuccessful – Women’s Strikes

Even though ‘female’ strikes are rare, there are of course examples in most countries of women’s strikes that attracted attention and were widely publicized at the time of occurrence. Sweden is no exception, and the rest of this section shall discuss some of the most important Swedish strikes with only women as participants. These strikes, however, were mainly defensive; they aimed at maintaining something rather than getting higher pay or achieving better working conditions.

One of the most noticed industrial conflicts during the conflict torn 1970s took place among female cleaners. More correctly, the conflict consisted of five nearly simultaneous and closely connected wildcat strikes, directed against the same cleaning company, ASAB, in five different places in the end of 1974. In total, some 350 women participated and the reason for the strikes was a shift from wages by the hour to work by contract, which in practice lowered the cleaners’ pay.

The outcome of the strikes differed depending upon the municipalities in which they took place. In two of the cases, it is pointless to speak in terms of success or failure, since the actions had the character of short sympathetic strikes. Both the strikes ended in the Labour Court, and most of the participants paid fines for violating the peace obligation. (A ban on strikes is always incorporated in a collective agreement.) At the time, however, the penalty of 200 Swedish Kronor per striker was barely more than symbolic.

In two other cases, at the company Domnarvets Jernverk in Borlänge in central Sweden and in the ore-fields in the very north, the strikers came out relatively successful: the company agreed on wage raises to compensate for the new work form. In addition, the strike in the ore-fields ended with penalties in the Labour Court for many of the participants, but that does not change the fact that the result was rather satisfactory to the strikers.

The fifth wildcat however, which took place at a hotel in Skövde in western Sweden, ended in disaster for most of the participants. Already from the beginning of the conflict, the company took a very harsh attitude and two spokesmen for the strikers were fired after only one day’s strike. In the eyes of the employer, the two women were ‘strike-leaders’, which justified the dismissals. There after, the strike took a different turn: the aim was now to get

the company to re-engage the two 'strike-leaders'. After 17 days of continuous strike and a legally binding request of the Labour Court to return to work, the rest of the cleaners – in all eight women, were also fired. A case was brought to the Labour Court, which declared the dismissal of the 'strike-leaders' illegal, and sentenced the company to pay damages and retroactive wage to the two women. Yet, the court had no objections to the dismissal of the rest of the cleaners. Even if circumstances such as the lowering of the real wages and firing of the 'strike-leaders' in some way could make the illegal action excusable, these circumstances had lost all its importance because of the length of the strike, the court argued (AD 1975 no. 31).

In February 1975, while the cleaners were still on trial in the Labour Court, 38 sewers – all of them women – in Gällivare in the very north of Sweden took illegal action against the introduction of a new piecework system. Even this conflict was rather widely publicised in the daily newspapers. Already from the start, the positions between the workers and the company were locked; the strikers refused to go back to work and the employer refused to negotiate as long as they did not. Still, the strikers could maintain the strike despite the lack of income, much due to economic assistance from outside. Among other things, they received 20,000 Swedish Kronor from 'the miners' strike fund', a fund created after the great miners' strike five years earlier, on purpose to support wildcat strikes. After two months of strike though, the company presented the strikers with an ultimatum: if they did not immediately return to work, the employer would consider the matter as if the workers had voluntarily given notice to quit and thus hire new workers. 16 employees obeyed the employer's request, while the remaining 22 continued the strike. Yet, since the strike now had lost most of its power, even these 22 workers gave in a few weeks later. The company refused to let them return to work and the case was never tried in the Labour Court (Thörnqvist 1994: 125-26).

Ten years after these two conflicts, one of the involved companies, Domnarvets Jernverk in Borlänge, was again involved in a wildcat strike, a strike that had many similarities with the previous one. The strikers were cleaners, women, hired by ASAB, and the reason for the strike was a change in the work organization. Yet, while the first strike at Domnarvets Jernverk was rather successful from a striker's point of view, the strike in 1985 ended after six weeks with dismissals of 14 workers. After an investigation by the Labour Court – which took over a year – the court declared the dismissals illegal and the cleaners could return to their old work. The reason was, according to the court, that the strikers intended to go back to work when they heard that the company considered firing them, but they were refused entrance to the workplace, even though they had not yet formally given notice of dismissals (Thörnqvist 1998: 53-54).

Of course, it is not possible to generalize out of the few cases presented here. However, they do have some things in common that taken together

makes it clear that conflicts are not examples worthy of imitation. All of the strikers were women; all the strikes were largely defensive; and they all ended with the firing of some of the participants (even though the cleaners at Domnarvets Jernverk a year later got their jobs back). Moreover, the conflicts stress the role of tradition, both for militancy and for success. In an interview for a documentary book on the 1974 ASAB conflict, one of the cleaners explained that one reason the strike was so much worse in Skövde than in the ore-fields was the lack of support from other groups of workers. The cleaners in the ore-fields had a great deal of support from the miners, maybe not with money, but with advice and moral support (Johansson and Grahm 1975: 130). The authors developed this further and noticed that the workers at Domnarvets Jernverk had very clearly taken sides for the cleaners' strike, among other things by refusing to work in areas which were not 'cleaned enough to be safe'. In Skövde though, the strikers were left on their own (ibid. 147). The importance of help from 'male' groups of workers with more militant traditions is also highlighted by the sewers' strike. True, the sewers lost the conflict, but they held out more than two months, much thanks to the financial assistance from the 'miners' strike fund'. Even if workers in the clothing industry have little experience of industrial conflict, the women in Gällivare lived in an area with long militant traditions. In April 1975, when the cleaners' and sewers' conflicts in the ore-fields were almost over, another, very short, wildcat strike for higher wages broke out, involving nine female shop cleaners in the same area. For a local newspaper, one of the women explained that all the strikers were married to miners, thus they 'knew what a strike meant' (*Norrbottens-Kuriren*, 22 April 1975).

Two other wildcat strikes among women, both in 1978, might shed even more light on the issue. One of the strikes, in a food industry company located outside Kristianstad in southern Sweden, ran parallel with a strike among men in the same occupation and the same area, and with almost the same demands. Hence the strike turned out very successful: the strikers could return to work already after five hours, after the company's CEO had promised to adjust both wages and piecework rates in line with the strikers' wishes. The other strike, among 18 sewers in Kramfors in northern Sweden, makes a glaring contrast to the one outside Kristianstad: the strikers were given notice of dismissal after only four hours of strike. Seemingly, the notice was never carried into effect, though (Thörnqvist 1994: 176-77).

To sum up, the outlook on the most important women's strikes in Sweden after the Second World War supports our hypothesis: a successful wildcat strike from a female workers' perspective should preferably take place in 'male' industries with long traditions of militancy, where possibilities for wage-drift are high and where even a short stoppage can force the employer to make concessions. It also seems as if wildcat strikes in manufacturing

actually had a positive impact on real wages for blue-collar workers at large in the conflict-ridden 1970s and 1980s (Thörnqvist 2001: 166-69).

When it comes to legal strikes, it is more difficult to determine their impact, since the parties usually arrive at a solution without open conflicts. Furthermore, in the public sector where the number of female employees is high, possibilities to take legal industrial action have been more restricted. Public employees did not gain the right to strike or take other forms of actions until 1965. Thus, they have had little chance to develop any militant traditions. Although the threat of collective quitting has for long been a means of voicing discontent, particularly in the health care sector. On the other hand, wild-cat strikes have been more frequent than official sanctioned ones in the public sector and the 'male' occupational groups have been the most strike-prone. Neither should the need for support from outside the sector be neglected in the case of legal public sector strikes. We find an illuminating case if we leave our focus on Sweden for a moment and look at Finland. The industrial relations systems in the two countries are closely related enough to make findings from Finland interesting even from a Swedish viewpoint. One of the largest strikes in Finnish post-war history took place in the public health care sector in spring 1983. Doctors and trained nurses (with the exception of midwives) did not take part, but all the sector's lower paid and/or less skilled occupational groups such as midwives, nurse's assistants, dental nurses and janitors, in total 20,200 individuals 97 percent of whom were women did. The action was officially legal, but since the entire health care sector struck, the strike was declared by the Finnish Parliament to be highly dangerous to the Finnish society. Despite this, the strikers managed to gain a satisfactory collective agreement. According to strikers and contemporary commentators, the outcome to a large extent was the result of the strong support the strike had in public opinion; if the public at large had not found the strikers demands fair and justified, it would have been impossible to maintain the strike (Alasilta-Hagman and Pitko 1984).

9.4. The 1990s: The Dismantling of the Swedish Model Demands New Strategies

Although a relatively small number of negotiations end in open conflicts, the threat of strikes, actions short of strikes or of collective quitting are still the employees' most important power resources. If typically female groups of workers have not been able to successfully use them, one must ask what means they have used instead and how they will change in the future.

This section focuses on the late 1980s and early 1990s as a historical turning point. As discussed above, due to wage-drift the solidaristic wage policy primarily benefited male workers during the golden era of the Swedish model.

At the same time, the solidaristic wage policy guaranteed that the wage gap did not expand too much between different occupational groups, at least not between groups of blue-collar workers.

In other words, typically female unions could accept the dominance of the male groups in the export industries because due to the centralized system they still got a fair share. In the same way as women had been ‘loyal’ to the Swedish nation during the Second World War, they now had to stay ‘loyal’ to the Swedish model, at least those that could not return to a life as fulltime housewives. On some occasions, as in the 1952 bargaining rounds, the peak-level agreement between the Swedish Employers’ Confederation (SAF; today the Confederation of Swedish Enterprise, SN) and the Swedish Trade Union Confederation (LO) even prescribed higher overall wage raises for women than for male workers in order to reduce the wage gap between the sexes. Female groups could also benefit from the principle of ‘equal pay for equal work’, a principle that was a cornerstone of the solidaristic wage policy. A prominent expression of this policy was the abolishing of the special wage rates for women in the mid-1960s (Fransson 2000: 145-47). The wage gap between men and women narrowed during the first post-war decades in the export oriented male-dominated engineering industry as well as in the low-paid female-dominated textile and garment industries (Svensson 1996; Sund 2002). In the engineering industry, which is normally the leading and normative industry in the national industry-wide bargaining rounds, the wage gap shrank from 31 per cent in 1950 to 11 per cent in 1990. Even so, the narrowing of the wage gap seems to have been a result of change in the structure of labour supply and demand rather than the solidaristic wage policy adapted by LO. (Svensson 1996). The number of women in the labour market increased sharply in the early 1960s. Many of the new jobs for women grew within the relatively low-paid public sector, which held back the overall narrowing of the wage gap between the sexes in this sector. The rise in the female labour market participation rate was exceptional also in an international context. In Western Europe, only Denmark and the UK showed comparable increases in the proportion of women working in the 1960s and 1970s (Carpenter and Jefferys 2000: 86-87).

From the mid-1980s onwards, however, the wage equalizing trend was reversed until the introduction of the Industry Agreement in 1997.³ In February 1990, the SAF Board of Directors announced its decision to discontinue participation in peak-level bargaining with its union counterparts. The aim was to

³The Industry Agreement or, more correctly, the ‘Agreement on industrial development and wage formation’, is an agreement signed by all SAF (SN) affiliated employers’ associations and their trade union counterparts within the competition-exposed sector. In practice, the signing of the Industry Agreement signalled that the SAF had given up the struggle for decentralization of collective bargaining, provided that the export industry should remain wage leading (Elvander 2002).

decentralize- even individualize wage setting, but also to decentralize industrial relations at large, and with that dismantling the whole Swedish model (cf. SAF 1990). The system was never completely decentralized as the SAF had hoped, primarily due to the stabilization drive during the deep recession in the early 1990s and to union resistance and co-ordination of the industry-wide bargaining rounds. Yet, the system was challenged, and today the strategy of 'loyalty' with the Swedish model has been at stake for almost two decades. Already in 1983 the Swedish Engineering Employers' Association (VF) settled an industry-wide agreement with the Metal Workers' Union (Metall) without awaiting a peak-level agreement between their central confederations: the SAF and the LO. A few years later, at the 1986 LO Congress, the President of Metall, Leif Blomberg, accused the public sector unions of pressing irresponsible wage claims that threatened the entire economy. Instead of traditional wage solidarity, in the words of Blomberg, it was self-evident that wages should be much higher in the ('male') profitable export industries than in the ('female') unproductive public sector. Subsequently, and partly as a result of Blomberg's attack, LO policy changed in a less favourable way towards the public sector (Swenson 1992: 52-54).

9.4.1. Developing New Strategies by the Use of Legislation

Together with the SAF's attempts to decentralize and individualize industrial relations, Swedish labour market legislation has also become more individualized. Since collective bargaining and the collective agreement has always been a cornerstone in Swedish industrial relations, an interesting question is whether trade unions have been able to adapt to the individualization of labour market rights. The 1995 bargaining rounds actualized the issue, when – largely female – groups in the health care sector attempted to turn the new legislation into their own favour. The core of the new strategy was to rely on the ban on discriminatory wage setting due to sex, a section inaugurated in the law of equality (that is, equality between men and women).⁴ Strictly juridical the content of the ban is very much in line with the traditional solidaristic wage policy. A major difference is that while the main intention of the solidaristic wage policy was to equalize wage gaps between industries and companies, the purpose of the ban on discriminatory wage setting due to sex is to achieve justice between male and female employees in the same firm.

In 1995, the Swedish Association of Health Professionals (Vårdförbundet) explicitly stated that its female members, in particular nurses, were discriminated as compared to men in health care with comparable tasks and experience. All salaries in the health care sector, Vårdförbundet argued, should be

⁴Previous bans on wage discrimination have been registered in Swedish labour law since 1980 and EC law since 1957.

based on individual qualifications, which would favour the union's female members who in general had a high degree of formal competence (Fransson 2001). Moreover, due to solidaristic wage policy the wage gap between trained and assistant nurses was very small,⁵ evoking demands from trained nurses that their salaries should be upgraded in accordance with their skills (Olsson 1996: 37 and 63). In other words, Vårdförbundet claimed a general raise in pay for all its members and in addition, trained nurses demanded individual pay raise in line with their high competence level.

The demands resulted in a seven weeks long official strike. The conflict was complicated by the discrepancy between the peak-level negotiators and the members on how 'a general raise' should be interpreted. Many members believed that the claim was a general rise of 5,000 Swedish Kronor a month settled by the union at peak level, which no doubt would have been politically impossible. Accordingly, despite the fact that the outcome was rather good compared to what other occupational groups had gained from the bargaining rounds the result after seven weeks of continuous strike was a great disappointment for many nurses. The union leadership had failed to make clear that most of the upgrading should take place at local level, after local and individual negotiations (ibid.: 43).

In conclusion, Vårdförbundet tried to combine the use of legislation – the prohibition of discriminatory wage setting due to sex – with the individualization of salary negotiations in the public sector, which gave more room for pay according to individual competence. Further, this combination legitimized the nurses' claims in the eyes of the public opinion. When settling a collective agreement, it is the stronger party that reaps most benefits from the final formulation. By relying on labour market legislation, Vårdförbundet turned the focus from strength to rights; the nurses deserved higher salaries because it was not fair – either from a legal or a moral point of view – that they should be less paid than men of comparable skills, responsibility and work experience.

This appeal to 'fairness' was found reasonable by media and the public at large, but not by Vårdförbundet's bargaining counterpart nor the appointed mediators (ibid.: 121 and 144). Several of Vårdförbundet's members also took individual initiatives to press for higher salaries, but in each case without results. One example is when, during the strike, 200 nurses in intensive care collectively reported their employer – the city of Stockholm – to the authorized governmental body, the Office of the Equal Opportunities Ombudsman (JämO), for wage discrimination. The nurses' report led to a process in the Labour Court. However, the case was not heard until 2001 (AD 2001 no. 76).

⁵Assistant nurses are not organized by Vårdförbundet, but by the Swedish Municipal Workers' Union (Kommunal), which is affiliated to the LO. Vårdförbundet do also organize laboratory technicians, whose wage-struggle has never reached much public attention, though.

In a parallel case, a midwife in Örebro in central Sweden brought her employer to the Labour Court. The midwife claimed that her job was in all-important aspects equal to the job of a male so-called clinical engineer with a considerably higher salary; thus, she argued, she was discriminated due to her sex. The Court's tried the case in 1996. However, the decision was that it was not proven that the midwife's work tasks were comparable to the clinical engineer's and accordingly it was not proven that she was discriminated. A majority of the Court's members made very high demands for evidence that the two jobs were actually equal. (AD 1996 no. 41). Despite the lack of success, the case was very important for the advantageous outcome of the local negotiations that ran parallel with the trial.

Furthermore, in 2001 the same midwife's – together with another midwife's – work tasks were once again compared to those of a clinical engineer. This time, the Court found the tasks equal; but left it to the employer to justify the pay differences between the employees. To prove that differences in salary was not due to sex discrimination the employer made three main arguments: first, the employer claimed, the clinical engineer had higher market value; second, the two employees' salaries were regulated by two different collective agreements; and third, the man was older. Accordingly, the pay discrepancy was not discriminating (AD 2001 no. 13).

Even if the Labour Court may be criticized for making too low demands on the employer's evidence, the verdict was a leap forwards from a midwife's point of view. The Labour Court had established that a midwife's job was in principle equal to a clinical engineer, which was a very useful argument for salary negotiations to come. In another case in 2001, the Labour Court also found an intensive care nurse's work tasks equal to a clinical engineer. The pay discrepancy between the two was not found discriminating due to different market positions (AD 2001 no. 76).

To conclude, the combination of legal and individual means was certainly a new strategy. Individual strategies, based on legislation, showed in accordance with trade union strategies and demands to reevaluate women's work tasks. The decentralization of collective bargaining had gone further in the public sector than in the private, and the rounds in 1995 speeded up the process (Elvander 1997). Accordingly, it was female employees in health care and nursing who showed most interest in new forms of pay setting in the following years. They saw a chance to upgrade their positions' status and with that to achieve better salaries (Fürst 1997: 327-30). It is interesting that this was a collective strategy; individualization of pay setting should promote salary raises generally for women in health care and nursing. The intention of individualizing and decentralizing pay setting was of course the opposite: to achieve wider wage spread and greater wage flexibility (cf. Bregm 1998: 306; Pontusson and Swenson 1996).

The collective agreement has never been systematically used as a means to achieve equality between the sexes (Dahlberg 1996). Furthermore, only very few cases regarding sex discrimination in working life, such as discriminatory wage setting, have been brought before the Labour Court. The Swedish Labour Court draw heavily on old preparatory works when interpreting the law against discrimination, despite several new clauses in the law of equality and the introduction of EC law from 1995 onwards. The Labour Court usually argues that the labour market parties' 'overall values' should decide the wage setting guidelines even at firm level; thus the company seldom has to prove that wage discrepancies between male and female employees are discriminating. The Labour Court has found it easy to accept the employers' argument that the male employees at large have a higher market value; male workers will find other firms which pay better if they do not get higher remuneration than their female colleagues (Fransson 2000: 378-81).

Hence, in practice it has shown to be difficult – in fact almost impossible – for women to gain from the combined strategy of individualization and legislation. Yet, the labour market parties have attempted to equalize opportunities for men and women to achieve the same pay for comparable work tasks. One means has been systematic job evaluation, developed by the parties in the public sector. However, the attempt led to conflicts between male and female occupational groups and as a result systematic job evaluation has only been sparsely used (*ibid.*: 417).

Furthermore, there have been 'gendered' conflicts within some unions in the 1990s. For instance, the Municipal Workers' Union (Kommunal) lost male members after the 1995 bargaining rounds when many firemen showed their dissatisfaction by leaving the union.

Despite the difficulties for female workers to gain from the reformed legislation, many important issues – such as the principle of equal pay for equal work – have no doubt been juridified. The introduction of the ban on discriminatory wage setting between men and women is in fact the most powerful government intervention ever in any Nordic industrial relations system (Fransson 2000: 286-87). If the ban in coming years is shown to be more than just a paper tiger, it will most likely have an impact on the conflict pattern. For instance, is it possible to strike against discriminatory wages if the wage setting is already legally declared 'fair'? As many times previously in Nordic labour market legislation systems, a matter of interest has been turned into a matter of right, which in this case provides less room for collective and individual negotiations and which stresses the need for new strategies to be able to benefit from the new clauses.

However, even though the Nordic labour markets are highly juridified in international comparison, juridifying wage setting is actually an adaptation to EC law. Another, more famous, Nordic characteristic is the collective agreements' strong legal status; the normal government policy in Sweden has ever

since the late 1930s been to leave wage setting in the main to the labour market parties. When unions such as Vårdförbundet attempt to use the new legislation as a strategic means they are in fact challenging the fundamental ideas of this free bargaining model. On the other hand, Vårdförbundet is aware of the problem and has made clear that it has no intention to systematically push issues to the Labour Court. According to the union's President Eva Fernvall (2001: 6), challenging and changing existing gender-discriminating values in the collective agreements is not promoted by turning pay discrepancies into a Court issue.

Nevertheless, it is clear that union activity is of great importance for the Labour Court's decisions in single cases regarding wage discrimination. If a union does not actively stress these items in firm-level negotiations, it is very unlikely that the Labour Court should judge a case against the employer (Fransson 2000: 380). Thus far, very few cases of wage discrimination have been brought to court; trade unions have not used collective agreements as a means for equality between the sexes.

9.5. Concluding Discussion

The aim of this chapter was to present evidence for different 'male' and 'female' industrial conflict patterns and bargaining strategies. The results are however provide no final answers, rather they should be understood as analytical and theoretical starting-points for further studies of a previously neglected field of research.

Our examples are too sparse to explain gender differences in labour market strategies/behaviour at large; since the labour division between the sexes has been and still is strongly marked, strictly occupational differences must first be more thoroughly researched. At the end of this section, we shall also point out a few trends in working life that might affect the gender differences in the near future.

We do believe however, that we have rather strong evidence of some important historical trends and turning-points, which must be seriously considered to understand why trade unions dominated by women or other organized groups of women have acted and act differently, regardless of which sector of the labour market we discuss.

Table 9.1 at the top of the next page briefly summarizes the main historical labour market strategies used by unions and other labour market organizations with a high proportion of women. The table includes both 'actual' strategies, that is, means consciously used to achieve certain goals, which usually are better bargaining outcomes, and 'possible' strategies, that is, forms of collective action that are not systematically used to bring pressure to bear on an employer, but which might open a strong collective potential under certain circumstances.

Table 9.1. Ways for women and organizations dominated by women to gain labour market influence: A historical overview.

<i>Period</i>	<i>Means</i>
Before the 1950s.	Special trade unions for women; individual struggle for the right to work and equal pay within the ordinary unions and political organizations.
About the mid-1950s to the late 1980s.	Acceptance of the ‘male’ export industry as wage leading: the solidaristic wage policy guaranteed that also women’s occupations got real wage increases during the heydays of the Swedish model.
From about 1990 onwards.	Use of new legislation, which is becoming more important than the collective agreement when the industrial relations system decentralizes. ‘Collective individualisation’: stressing individual qualifications, that is, a high degree of formal competence, to increase salaries for an occupational group at large. Combining 1) and 2).

Women have always had a weaker position in the labour market than men had. Accordingly, unions dominated by women have been weaker than ‘male’ ones. Historically the demand for male workers has been great in the important competition-exposed export industries, while women have mainly been found in domestic market oriented industries or the public sector. Still, during the golden era of the Swedish model the solidaristic wage policy was a guarantee for continuous pay rises, even in the backward sectors of the economy. In return, the unions in sectors dominated by women had to offer ‘loyalty’ with the system. One of the purposes of the centralized bargaining system was to avoid wage-price spirals resulting from high pay raises in the profitable export industries. Thus, even workers in the lower paid industries had to accept the negotiating framework set by the export industries, since higher collective wage-claims in any single sector could risk the whole system.

When SAF’s decentralization efforts were started in 1990, the ‘loyalty’ strategy was no longer possible to maintain. Even though the decentralization process was never taken as far as the SAF originally called for, the entire industrial relations system was in a state of flux. In fact, the system has been continuously challenged since the 1983 agreement between the Engineering Employers’ Association and the Metal Workers’ Union. Moreover, the ‘female’ public sector unions could no longer rely on solidarity from the unions in the private sector, a fact that complicated the situation in the late 1980s and early 1990s even further.

It is in this historical context we must view two of the most interesting new collective means in the 1990s, both of them actually radical breaks with the traditional thinking dominated by the solidaristic wage policy. The first one is to rely on legislation rather than collective bargaining in remuneration issues; the other is to use individual wage claims as a collective means, partly because of the new pay negotiating structure.

Despite the introduction of new labour market laws in the 1970s, such as the 1974 Employment Security Act (LAS) and the 1976 Codetermination Act (MBL), the core of the Swedish model has always been the collective agreement. Thus, the systematic use of the legislation against wage discrimination to increase women's salaries in the health sector no doubt is a new means. It was systematic in the sense that important unions sanctioned it, yet no union has of yet attempted to systematically take cases before the Labour Court.

The new strategy is not only a result of a transformation of the collective bargaining system; the shift was also facilitated by some general changes in the labour market legislation. Much like the other Nordic countries, Swedish labour law has moved towards a system where individual rights in working life is provided in laws on discrimination rather than in clauses in collective agreements. Since 1999, there are four such laws in the Swedish legislation (Numhauser-Henning 2000).⁶

Furthermore, even if the strategy is new, the idea of it actually dates back to the late 1970s and early 1980s. Nordic students of law lively discussed possibilities to use legislation as a means for social change 'from below'; in other words, to rely on legislation not just as protection for people with small economic and societal power resources, but also as a means for single individuals, groups of individuals, alternative movements or a political opposition to achieve goals in the face of resistance (cf. Hydén 1982). By the early or mid-1980s the debate had already faded away. However, in light of the latest labour market development there is no doubt that the debate left an impression.

The evidence presented in this chapter shows that relying on legislation is not enough to achieve goals such as pay increases. Yet, in combination with other strategies it is an interesting means. One such strategy might be 'collective individualism'. If, for instance, a single nurse claims that her work should be remunerated equal to a man with a comparable job, it is an individual strategy, but if a group of women simultaneously put the same claim, and if a union sanctions the claim, it is a collective strategy. Of course such a strategy is dependent on the use of legislation; otherwise there would be no norm of

⁶It is interesting that it was the unions that supported this development, while the SAF opposed it. To achieve a flexible labour market, the SAF argued, it was necessary to deregulate all aspects of working life. Hence no new laws should be registered, not even to guarantee individual rights (Government Bill 1997/98 no. 177).

‘comparable jobs’ to refer to and rely on. Yet, the few examples we have seen thus far show that it is very difficult in practice to combine the two strategies.

However, how gender-specific the new strategies will be is also a matter of change in work organization. As discussed in this chapter, many of the differences between men and women’s conflict strategies depend on their different jobs; strike-prone men work in export-oriented industries while quiet women are found in menial service jobs and caring. It is not likely that the service industries – with the exception for highly qualified services such as IT, will receive the same market status as the export industries. The question is what will happen with the bargaining and conflict strategies if the work organizations converge. Traditionally, men – since they worked in manufacturing – produced goods or services and seldom had to meet the customer and found it easy to fight over wage-drift by threatening to stop the production. Women, on the other hand, met their customers or patients’ face-to-face everyday; they were supposed to care for them and thus could not fight for wage-drift nor go on strike. Today, however, the trend, or at least the discursive trend is that people in services and caring ‘produce’ service or care, while workers in manufacturing must care for each individual customer due to ‘customized production’. Moreover, occupations in manufacturing as a proportion of the total economy has been for decreasing decades; accordingly, today most men work in some form of service jobs.

A comparison of Australia, Japan and the USA show that front-line work – that is, employees with direct contact with the customers, in the service sector have become more Fordist, despite claims of the opposite in the lean production influenced discourse. The comparison concluded that front-line work did not converge, on the contrary both national differences and discrepancies between different kinds of customer-oriented jobs remained (Frenkel et al. 1999). What is interesting from our point of view is that studies such as these of work organization support the diminishing demarcations between manufacturing and service occupations, but contrary to claims usually made by neo-liberals they do not arrive at some form of lean production or just-in-time-concept as the only answer. (cf. Traxler et al. 2001). The trends described also open up for new conflict patterns, were the differences between ‘male’ and ‘female’ occupations will either disappear or just be a matter of trade union traditions.

Convergence in work organization cannot explain whether differences between male longshoremen and female garment workers will remain or disappear; but from our perspective, it is an interesting issue for the future. Will it be easier for women to use the ban on wage discrimination due to sex as a collective strategy if more jobs converge?

This far, it is too early to talk of ‘strategies’, what we have seen is rather tactical solutions in specific situations. Yet, both the use of legislation as a

means 'from below' and 'collective individualism' may easily develop into organized trade union strategies.

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