

# Swedish Labor Law and the Future of Syndicalism

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In this article, we intend to do two things: 1. Explain the significant changes in Swedish labor law implemented in the summer of 2019, particularly the strong restrictions on the right to strike and other industrial action – not least because these changes reflect an international trend to curb the power of labor unions. 2. Discuss the question of how syndicalists ought to respond to this. This discussion will concern the present state and future of the syndicalist movement not just in Sweden but in other countries of the Global North as well.

Our views are shaped by our experiences as active members in the syndicalist Sveriges Arbetares Centralorganisation (SAC), the Central Organization of Workers in Sweden.

## Part I: A Short History of the SAC

The SAC was founded in 1910 following the biggest labor conflict in Swedish history, the so-called “Big Strike” (*Storstrejken*) of 1909, which involved workers in almost all industries and lasted for more than three months. In the end, none of the workers’ demands were met. Radicals were disappointed with how Landsorganisationen (LO), Sweden’s biggest trade union confederation, handled and ended the conflict. These workers decided to establish a union based on syndicalist principles, modeled on organizations such as the French Confédération Générale du Travail (CGT) and the Industrial Workers of the World. To this day, the trenches between LO, closely tied to the Social Democratic Party, and the SAC remain deep.

The “central” in the name of the SAC is somewhat misleading. It doesn’t refer to the organizational structure, which is strictly federal with locals enjoying a high degree of independence. It rather refers to the syndicalist principle of unity across industries. Like other syndicalist organizations, the SAC accepts members from all trades. In its founding documents, it commits itself to “socialist principles” and the “fight against capitalism.”

Most early members worked in stonemasonry, construction, forestry and mining. In the organization’s early years the local in Kiruna, a mining town in the far north, had more members than any other. Overall membership peaked in 1924 at 37,000.

Membership dwindled during World War II, when Sweden was ruled by a wartime coalition and emergency laws. Workplace organizing was difficult and many SAC members were persecuted for protesting the politics of appeasement that characterized Sweden’s relationship to Nazi Germany until 1943. *Arbetaren*, the SAC’s newspaper, was Sweden’s most-confiscated publication during that time.

After the war, the SAC was weakened but still functioning. Since almost all of Europe’s other syndicalist organizations had been crushed or forced into exile, the SAC took on a leading role in the international syndicalist movement. Already in 1938, the secretariat of the International Workers’ Association (IWA), which the SAC was a founding member of, had moved to Stockholm. It remained there until 1953, when the relationship between the SAC and the IWA became increasingly strained due to the SAC’s so-called “new orientation” (*nyorientering*). Essentially, key figures within the organization felt that the SAC needed to provide

a viable alternative to LO if it wanted to survive. Clinging to anarcho-syndicalist principles was deemed counterproductive, as it seemed to neglect the political and economic developments of the postwar era. Particularly controversial was the establishment of an unemployment fund subsidized by the Swedish state. In 1958 the SAC was forced to leave the IWA. Today, the SAC is part of the Red and Black Coordination, an informal network of syndicalist organizations with no affiliation to the IWA.

During the 1960s, many young radicals discovered the SAC as a useful tool for broad leftist organizing, which changed the organization’s makeup and orientation. At the 2002 SAC congress, resolutions were passed that demanded a stronger focus on workplace organizing. The tension between “political” and “union” activism remains unresolved, however.

Today, the SAC has about 3,000 members. Despite a significant drop in membership over the last decades, the organization is still able to influence debate and challenge employers. The new labor laws are explicitly aimed at it and other independent unions, such as the Dockworkers Union (*Hamnarbetarförbundet*). However, the SAC’s role in workplace organizing is modest. While there are examples of successful SAC shops at some workplaces, most members are the only syndicalists at their workplace. The percentage of “sympathy members” is high, meaning members who espouse the syndicalist tradition but have little need for or interest in workplace organizing. The SAC has also had difficulties in adapting its organizational structure not only to the dwindling membership but also to new conditions in the labor market. Bureaucratization and internal conflicts have taken their toll as well. We will return to what this means for the future of the organization – and syndicalism in general – in the second part of this article. First, however, an overview of the new Swedish labor laws.

## The Right to Strike in Sweden

In order to understand the impact of the new legislation, we have to look at the legal situation that existed before the changes. As we will show, it greatly influenced syndicalist organizing strategy in Sweden.

The right to strike rests on a solid constitutional foundation in Sweden. Article 2:14 of the Swedish Constitution (Sveriges Riksdag, 2016, 69) states: “A trade union or an employer or employers’ association shall be entitled to take industrial action unless otherwise provided in an act of law or under an agreement.”

This means, essentially, that strikes are allowed as long as they are not explicitly prohibited by a legal act or collective agreement. Before the new legislation in 2019, there were few such limitations, the most notable found in the *Co-Determination in the Workplace Act* (*Medbestämmandelagen*), which prohibits parties to a collective agreement from taking industrial action in all but a few cases. Because independent unions such as the SAC and the Dockworkers Union rarely signed collective agreements, this statute seldom applied to them.

This served independent unions well. It meant that, in most cases, industrial action could be taken as long as the union gave a seven-day notice to the National Mediation Office (*Medlingsinstitutet*). If a company tried to fire a union member, withhold wages, or otherwise upset the union, there were very few legal limitations on using the strike weapon if there was no collective agreement between the parties. Swedish law does not require proportionality between a grievance and the action taken against it. It is perfectly legal to call a general strike over a minor grievance, if calling a strike hasn't been made illegal by other means.

## The Activist Approach

For many years, the Dockworkers Union used this situation to their advantage. The union was established in the 1970s as a breakaway from the LO-affiliated Transport Workers Union (*Transportarbetarförbundet*). The main reason for the split concerned union democracy. To this day, the dockworkers uphold a strong rank-and-file tradition where members vote on strike decisions and the signing of collective agreements. This put them at odds with the top-down framework of the reformist unions in LO.

Although the Dockworkers Union organizes the majority of workers in many ports, the employers used to only sign collective agreements with the Transport Workers Union. This excluded the Dockworkers Union from national negotiations over wages and benefits, but it also meant that its members were not bound by the no-strike provisions of the Co-Determination in the Workplace Act. The dockworkers were free to strike over any issue, which, considering their numbers, posed a serious threat to the employers. This allowed them to resolve most conflicts through informal and local agreements, which also kept the rank-and-file tradition intact. It was hardly ever necessary to call a strike, the threat alone helped to strengthen their position.

The SAC followed a similar approach but had to apply a different strategy, considering that syndicalists are often but a small minority at their workplace. Yet even a handful of syndicalists could wield considerable influence by making use of their right to industrial action and calling in support from outside activists and other SAC members. Especially smaller businesses concerned about their brand, like local restaurants, were highly vulnerable to these kinds of actions.

In the early 2000s, the SAC was involved in several high-profile conflicts, during which hundreds of activists would picket a business in support of a member. Such conflicts reinforced the union's militant reputation that characterizes its public image to this day. This reputation also caused more than a few companies to yield to SAC demands even before any strike notice was given. The downside of this approach was that it did not necessarily contribute to building long-term influence in the workplace.

## The New Legislation

The legal framework that we present here might seem puzzling, especially given that the Co-Determination in the Workplace Act has been in place since the 1970s. Why wouldn't the mainstream unions fight legislation that seems to reward independent unions with a beneficial position? The answer lies in what is known as the "Swedish Model."

In labor politics, the Swedish Model hinges on strong unions that organize a majority of the workers in the country. They enter into national collective agreements with employers' organizations, which means that collective agreements define almost the entire labor market. While the labor conditions stipulated in the agree-

ments apply to all workers, no matter their union affiliation, only the members of the unions that signed it were forced to refrain from industrial action before the new legislation of 2019 was passed. This has, historically, created a strong incentive for employers to always negotiate with the majority union at any particular workplace. Had they signed collective agreements to their favor with weak, compromising minority unions they would have faced a majority workforce allowed to go on strike, and calling for solidarity actions, over any issue. That is why the generous legal leeway for industrial action was an integral part of a system that secured the power of mainstream unions. The benefits it gave to independent unions such as the SAC and the Dockworkers Union simply were a price that had to be paid.

It is a common misconception that the reason for the new legislation was a conflict that began in 2016 in the port of Gothenburg, a stronghold of the Dockworkers Union. The Confederation of Swedish Enterprise (*Svenskt Näringsliv*) had demanded limitations on the right to strike for decades. It was the bureaucratic degeneration and overall weakening of the mainstream unions that eventually undermined labor's defenses. When the Dockworkers Union in Gothenburg acted in 2016 against the notoriously anti-union container terminal operating company APM Terminals (a subsidiary of logistics giant Maersk), it was simply used as a pretense to launch an all-out assault on the right to strike.

Sadly, the Confederation of Swedish Enterprise managed to convince LO to present a common proposal to the Swedish government – led by the Social Democrats – that would limit the right to strike for unions without collective agreements. At a joint press conference, the organizations presented their solution to the Gothenburg conflict. Essentially, they wanted to add a provision to the Co-Determination in the Workplace Act prohibiting industrial action against employers that have signed a collective agreement *for any union*, unless it wanted to sign a collective agreement of their own. The proposal also included a provision prohibiting



Protest outside the LO union federation offices. The garbage bags are filled with copies of the strike deal made between, among others, the LO and employer organizations. Photo: Fanny Hökby



industrial action during legal disputes, for example concerning wrongful terminations.

The mainstream unions tried to sell the new legislation as having no consequences for anyone but independent unions such as the SAC and the Dockworkers Union. But while it is true that the immediate effects of the new legislation are mainly felt by

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independent unions, the strength of the mainstream unions will undoubtedly be affected in the long run. The main reason is a much-reduced incentive for employers to negotiate only with majority unions. With the new legislation, it becomes more difficult for any union to put pressure on companies that sign collective agreements with yellow unions or try to find the best possible deal for themselves by pitting unions against one another, choosing to sign with whoever makes the most compromising offer.

We can illustrate this with an example. There has been much talk about plans by the notoriously anti-union retail giant Amazon to establish itself in Sweden. If Amazon does decide to set up shop somewhere in the country, the new legislation would allow it to find a “company-friendly” union, sign a lousy agreement with them, hold all their workers to it, and wave it in the face of those who wanted to take industrial action in the case of grievances. Even established mainstream unions, such as the Transport Workers Union, which would presumably try to organize the warehouse workers, would be severely limited in helping their members during labor conflicts.

Employers will not let the opportunity to shop around for “good union deals” pass them by. Yellow unions will spring up like mushrooms, offering lucrative agreements to companies. It’s quite astounding how LO and other mainstream labor associations choose to ignore and deny these inevitable developments.

## Responding to the changes

The Dockworkers’ Union reacted to the proposal for the new legislation by calling an all-out strike, demanding a national collective agreement. After a few days, the employers’ resistance caved, and the dockworkers celebrated their first national collective agreement since they split from the Transport Workers Union fifty years ago. Since their agreement is identical to the agreement signed by the Transport Workers Union before, it can be assumed that the employer will be forced to apply both agreements. This, however, is yet to be tried by the Swedish Labor Court. The challenge for the Dockworkers Union is now to maintain its strong rank-and-file tradition, since they have become part of the system of collective agreements and its stern no-strike provisions.

For the SAC, the situation is different. Spread out over many industries, rarely organizing more than a handful of workers at one workplace, and far from being “company-friendly,” signing collective agreements except for tactical reasons is not on the agenda. But the new legislation poses serious obstacles to the strategy of high-profile minority actions outlined above. Gone are the days when a handful of syndicalists could stir up a massive confrontation with the support of outside activists and still stay within the limits of the law. Getting people, especially the majority of workers at a workplace, to join in unlawful action requires organizing strategies that have largely been absent within the SAC. In that sense, the new legislation has exposed a major organizational weakness. Under the old legislation the SAC became complacent, as “deep

organizing” wasn’t necessary to engage in industrial action.

This was further amplified by the fact that there are no stipulations in Swedish Labor Law that regulate the formal establishing of a labor union. Three workers can sit down on a lunch break, decide to form a union, adopt bylaws, and instantly have legal union status. This means that a handful of syndicalists at a workplace can get bargaining rights without having to go through any kind of formal process of recognition. Employers are forced to recognize even the smallest of unions and enter into negotiations over issues raised by its members. Within the SAC, this has solidified into what we can call the “staple strategy of the formal mass union.”

With the new legislation in place, some SAC members are looking into adopting tactics that utilize collective agreements while navigating around the no-strike provisions. This could, for example, be achieved by demanding collective agreements with short run times and short terms of notice. It would allow for industrial action during negotiations and only lead to temporary restrictions if a collective agreement indeed gets signed. While the agreement is in place, union activities could then focus on “soft actions,” such as signing petitions or collective visits to the boss’s office. These could be first steps in building collective agency, a necessary requirement for more extensive workers’ action after the agreement’s termination.

Such a legalistic strategy might be suitable in some situations, but it will need to be supplemented by others if the SAC wants to remain an influential force on the labor market. With the new legislation in place, we are forced to look outside the box more than ever. Any strategy that hinges on legal loopholes also hinges on the premise of establishing a formal union shop at the workplace. Within the SAC, organizing is often exclusively described as the process of establishing workplace shops (*sektioner*, or “sections,” in SAC talk). To make this concrete: when SAC members call the office and ask how to best organize at their workplace, they will most likely be encouraged to recruit two more syndicalists and form a union shop. But what then? It might be more promising – not least considering the new legislation – to reserve the, undoubtedly important, formal organizing process for a later stage and begin with discussing grievances with other workers, building trust, forming caucuses, and engaging in creative forms of protest.

Given the decline in membership, there have been heated discussions within the SAC in recent years about how to reverse this trend. The staple strategy of the formal mass union has been the key component of most proposals, no matter how much they differed in detail. Little attention has been given to ways of organizing that do not put the formal aspect first. This ties into general problems we see in the syndicalist movement – a discussion we will turn to now.

## Part II: The Future of Syndicalism

While it is clearly troubling when the legal options for industrial action are curtailed, it is, in fact, not necessarily tragic for syndicalism. Syndicalist organizations should not allow the law to dictate their actions. Their actions should be dictated by what is possible, justifiable and effective. Despite the new legislation, there remain plenty of things for syndicalists to do in Sweden, from wildcat strikes and blockades to slowdowns and sick-ins. All that is required is commitment, thoughtfulness and imagination.

We are facing a curious contradiction, not only in Sweden. On the one hand, the objective conditions for a renewal of the syndicalist tradition are very favorable: mainstream unions have lost power and influence; they are largely unable to integrate the

“precariat” into its ranks, that is, the “unorganizable” workers who helped syndicalist unions to become mass organizations in the early twentieth century. Class divides are becoming more and more pronounced, capitalism has lost its credibility among large parts of the population, and direct-democratic principles as well as horizontal organizing are popular with social movements. We also find new forms of workers’ movements and organizations around the globe that champion syndicalist principles such as collective decision-making, federalism, and direct action. (See, for example, Immanuel Ness, ed., *New Forms of Worker Organization: The Syndicalist and Autonomist Restoration of Class-Struggle Unionism*, PM Press, 2014.) On the other hand, the existing syndicalist organizations hardly benefit from these developments. A golden opportunity seems to be sweeping by them.

Why? The repression and hostility that syndicalist organizations encounter from politicians, the media, and mainstream unions are a factor but only part of the explanation. The most serious problems lie in the syndicalist movement itself. If, for matters of simplification, we want to distinguish between “ideological syndicalism” and “real syndicalism,” the former has turned cliquish, paranoid and self-marginalizing, while the latter has become bureaucratic, stale, and without vision. Real syndicalism often replicates what we accuse mainstream parties and unions of (left-leaning ones included), namely, being more concerned with the formal mass union than with developing an organizational structure that responds to the challenges of the times we are living in. To do “more of the same” seems to be the most common answer when addressing low membership numbers, a weak public profile, the lack of influence on the labor market, and the absence of actual workplace organizing. Syndicalists often prefer to bemoan a time when early-twentieth-century approaches to mobilization and collective action worked, rather than thinking of approaches that might work today.

Both ideological and real syndicalism cling to the idea of the formal mass union as a competitor to mainstream unions even though there is only one syndicalist organization in the world today that can reasonably argue to be a mass union, namely the Spanish CGT, which has around 100,000 members and is the country’s fourth-biggest. Mind you, the CGT remains an outsider in the international syndicalist movement, often accused of “reformism” or even “treachery” by the keepers of the grail. Relative to the population of the country, the SAC is in fact the world’s second-biggest syndicalist union. Most of the others are miniscule and, often enough, have nothing to do with actual union practices such as establishing shops, negotiating salaries, or seeking to improve working conditions.

Today, syndicalist organizations don’t often provide satisfying answers to workers eager to rebel against their bosses and the injustices built into the capitalist system. To many workers, the idea of the formal mass union seems neither realistic nor attractive. Labor unions mean nothing to them because they have proven irrelevant to their lives, especially if they are temporary and undocumented workers. In the best case, these workers see unions as institutions run by professionals who assist them but who they have nothing in common with. Hardly any see them as vehicles of radical social change. The union has become a kind of insurance company, and, seen as such, mainstream unions have clear advantages over syndicalist unions: they have bigger membership numbers, are represented at more workplaces, and enjoy the backing of powerful political players. Syndicalists could gain points among those workers who aren’t satisfied with the insurance company model and ready to



SAC members held protests across Sweden, including this “sit-down strike” by the Nyköping local. Photo: Jonatan Oke

strike at the bosses, but it is exactly the attachment to the staple strategy of the formal mass union that prohibits them from doing so. Many SAC members, for example, argue for a better, “more radical,” version of the formal mass union, but the organizational structure they subscribe to differs little from that of mainstream unions. They are caught in a limbo between what they want but cannot be, and what they can but do not want to do.

We think that it is time to question syndicalism’s focus on the formal mass union as its organizational core. After all, the mass union is only a means to an end. It must not be confused with the end itself. Syndicalism’s ultimate goal has always been to overcome capitalism and create a classless society based on libertarian socialist principles. In order to do so, syndicalists were to sharpen the divisions between the classes, radicalize the workforce, and provide glimpses of a better world to come. It is worth revisiting classical texts. Rudolf Rocker wrote in *Anarcho-Syndicalism: Theory and Practice*:

The syndicate ... is the unified organization of labor and has for its purpose the defense of the interests of the producers within existing society and the preparing for and the practical carrying out of the reconstruction of social life after the pattern of socialism. It has, therefore, a double purpose: 1. as the fighting organization of the workers against the employers to enforce the demands of the workers for the safeguarding and raising of their standard of living; 2. as the school for the intellectual training of the workers to make them acquainted with the technical management of production and economic life in general so that when a revolutionary situation arises they will be capable of taking the socio-economic organism into their own hands and remarking it according to socialist principles. (Quoted from [theanarchistlibrary.org](http://theanarchistlibrary.org). Rocker’s text was published in English in 1938 but based on texts written in German in the early 1920s.)

The quote says nothing about doing any of the things that unions do after one hundred years of gradual incorporation into the capitalist system. In the 1920s, when Rocker wrote his text, labor unions were, first and foremost, what the name “union” suggests: organizations that brought workers together to fight for their rights. They weren’t institutionalized but engaged in concrete class struggle, and the means they employed were those that appeared most helpful. In that context, it was natural for syndicalists to subscribe to the mass union as their main organizing tool: mass



organizing was possible and helped create a radical workers' culture that challenged the capitalist order and provided glimpses of a different life. Tragically, not only was this culture wiped out by fascism and World War II, but also, and this is of particular importance for our article, the social, political and economic conditions that allowed it to flourish.

Our proposal might seem ironic: in order to save syndicalism's mass orientation, the focus on the formal mass union needs to be overcome. This is not an argument against syndicalist organizations as such. To the contrary, we believe that they can play a crucial role in building a mass working-class movement. But this requires redefining their purpose. Allow us to use a simple illustration: the impact that a labor union of a few hundred members can have is rather limited; but the impact that a coordinated collective of a few hundred militant labor organizers can have is huge.

There are historical examples that support this assumption. The "revolutionary stewards" were mainstream union members with a radical agenda acting as ombudsmen in key German industries during World War I. By organizing strikes in the war industry and forming clandestine workers' councils, they paved the way for the German Revolution of 1918-1919, in which they played a leading role. (See Gabriel Kuhn, ed., *All Power to the Councils! A Documentary History of the German Revolution of 1918-1919* [PM Press, 2012] and Ralf Hoffrogge, *Working-Class Politics in the German Revolution: Richard Müller, the Revolutionary Shop Stewards and the Origins of the Council Movement* [Brill, 2014].)

The concept of a "militant minority" among working-class organizers has a bad reputation in anarcho-syndicalist circles because of its historical link to Bolshevism and communist party organizing. (For the concept of the "militant minority," see Earl C. Ford and William Z. Foster, *Syndicalism* [1912; 1990 Kerr reprint available from ASR]; for an anarcho-syndicalist critique see Jon Bekken, "The Tragedy of Fosterism," in *ASR* #31 [2001].) Yet there is a difference between proposing a "militant minority" as a strategy, and stating the fact that 3,000 SAC members spread out over almost the same number of workplaces constitute a "militant minority" that can act most effectively with strategies at hand that acknowledge this reality. In our view, a collective of militant working-class organizers does not necessarily mean Leninist vanguardism. Instead, we see militant working-class organizers as radicals who support workers in building collective agency so as to determine their own faith.

A syndicalist organization should train militant workplace organizers and coordinate, document and evaluate their actions – not as a top-down exercise, but as an organic process, embedded in working-class life and culture. This is what distinguishes a syndicalist approach both from party politics and mainstream unions. Syndicalism means the self-organization of the class. In order to guarantee the genuine working-class character of a syndicalist organization's actions, means and methods, it needs to maintain places where working-class culture is expressed, nurtured and strengthened. Worker centers, providing legal advice and material support as well as a meeting space and cultural venue, can be such places. A network of worker centers could be a promising model for syndicalist organizations of the future, not least because genuine working-class organizing cannot separate the workplace from other aspects of working-class life: housing, education, health care – community organizing in its broadest sense.

Syndicalist organizations should be the prolonged, organized arm of workers' revolt, strengthening rank-and-file resistance. They should satisfy a particular organizational need, namely, to



*SAC members joined the global strike for the future in September 2019. This image is of Norrköping's SAC local. Photo: Sebastian Carlsson.*

facilitate the building of working-class agency – in workplaces as well as in entire industries. To do so, they must invent strategies and structures that correspond to the material conditions of 2020. This in turn means abandoning the staple strategy of the formal mass union, and, instead, developing tactics and structures that fit the particular situations they find themselves in. As a philosophy of action, syndicalism develops in the mess of everyday life and permanently reinvents itself. To be open to this reinvention is certainly more useful than chasing the ghosts of the past.