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Veröffentlichungsversion / Published Version

Zeitschriftenartikel / journal article

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#### Empfohlene Zitierung / Suggested Citation:

Velden, S. v. d. (2006). Lockouts in the Netherlands: why statistics on labour disputes must discriminate between strikes and lockouts, and why new statistics need to be compiled. *Historical Social Research*, 31(4), 341-362. <https://doi.org/10.12759/hsr.31.2006.4.341-362>

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## Lockouts in the Netherlands: Why Statistics on Labour Disputes Must Discriminate Between Strikes and Lockouts, and Why New Statistics Need to Be Compiled

*Sjaak van der Velden* \*

**Abstract:** Lockouts are a phenomenon greatly underestimated in research into labour relations. Despite the ILO recommendations many national statistical bureaus do not make a distinction between strikes and lockouts. This practice leads to false conclusions about workers' behaviour. After all, strikes and lockouts are two sides of the medal of labour relations but really two different sides. Strikes are a weapon of workers, whereas lockouts can be a means by which employers force their workers into a certain direction. The data on labour relations should therefore discriminate between strikes and lockouts. Because the official data often neglect this, it may be necessary to do own research into the subject. This article shows the argument for discrimination taking the Netherlands as an example with some references to other countries.

### Lockouts as a weapon of capital

Between March and September 2003 the management of the Golden Reach factory in Calcutta, India, locked out 1,400 of its workers in response to strikes called in protest at plans to reorganize the company. The Golden Reach factory is a subsidiary of Unilever, an Anglo-Dutch conglomerate. Unilever has never declared a lockout in the Netherlands. The conglomerate seems to have different policies towards labour, depending on the country in which it operates. Another example illustrates this difference on a more global scale. The English search engine of 'www.labourstart.org' returns 62 hits for the word "lockout"

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for 2003 and 5,287 hits for the word “strike”. All but one of the hits for “lock-out” are situated outside Europe: apart from one lockout in Ireland we find 48 in Australia, Canada, New Zealand and the United States. The other 14 took place in Korea, India and Israel.

These two examples are a good reason to examine the occurrence of lock-outs in a more systematic way. In theory, the appropriate way to do so would be by analysing the labour statistics published by the International Labour Office (ILO). However, there is a major problem in using these statistics as a source. Despite the ILO’s recommendations,<sup>1</sup> national statistical bureaus do not always distinguish between strikes and lockouts. For the same reason, ILO publications have never made this distinction. In the 1937 *Yearbook* we read: “as in many countries no distinction is made between strikes and lock-outs, separate statistics are not given for these categories.” This is not as strange as it might seem, since the goal of government statisticians is not to analyse class conflicts as such, but to look at the economic results of these conflicts on the one hand and measure the failure of social dialogue on the other. For both purposes, “total days not worked per 1,000 employees” will suffice.<sup>2</sup>

In this article, I will show three things. First, that strikes and lockouts should really be regarded as two different, although sometimes interlinked, manifestations of the struggle between labour and capital. Authors like Knowles suggested that most lockouts are reactions to strikes or to the threat of strikes<sup>3</sup>. He therefore saw no need to separate the two. Indian experience since 1981 has shown however that in that country less than 25% of the lockouts were mixed strike/lockout conflicts<sup>4</sup>. By separating the two phenomena, we can get a clearer view of the history of class relations. This history is the second thing I will show in this article because it explains why and when employers resort to lockouts. To demonstrate this, the history of lockouts in the Netherlands will serve as an example. This is possible because there are unofficial data on strikes, lockouts and other forms of class struggle, in which these three categories are distinguished for the entire period of our research (1810-2001).<sup>5</sup> The Netherlands also seems to be a good example because the history of labour relations roughly follows the pattern of Western industrialized societies<sup>6</sup>, where

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<sup>1</sup> ILO, Resolution concerning statistics of strikes, lockouts and other action due to labour disputes, adopted by the Fifteenth International Conference of Labour Statisticians (January 1993), at <http://www.ilo.org/public/english/bureau/stat/download/res/strikes.pdf> (accessed 30 April 2004).

<sup>2</sup> Igor Chernyshev, “Decent work statistical indicators: strikes and lockouts statistics in the international context”, in *Bulletin of labour statistics* (3) (2003), XIII-XIV.

<sup>3</sup> K.G.J.C. Knowles, *Strikes. A study in industrial conflict. With special reference to British experience between 1911 and 1947* (Oxford: Basil Blackwell, 1952), 3, 300.

<sup>4</sup> Ruddar Datt, *Lockouts in India* (Manohar, 2003), 131.

<sup>5</sup> Sjaak van der Velden, “Strikes in Global Labor History: The Dutch Case,” in *Review. A Journal of the Fernand Braudel Center* XXVI (4) (2003): 381-405.

<sup>6</sup> R. Blanpain, “Strikes and lock-outs in industrialized market economies,” *Bulletin of comparative labour relations* 29 (1994).

lockouts reflect employer opposition to unions. The third thing this article contains is an attempt to develop a set of agreements on the criteria for new statistics on the subject.

## The definition of a lockout

According to the ILO a lockout is “a total or partial temporary closure of one or more places of employment, or the hindering of the normal work activities of employees, by one or more employers with a view to enforcing or resisting demands or expressing grievances, or supporting other employers in their demands or grievances.”<sup>7</sup> In essence, this definition contains three elements: (1) employees and workers, who are (2) temporarily forced out of work, and (3) who have demands or grievances. If we compare this definition with the description of a strike, there is one essential difference: workers initiate a strike, whereas the employer or employers initiate a lockout.<sup>8</sup> Naturally, this distinction is not entirely satisfactory: it really takes two to tango. If workers always conceded to employers’ demands, there would never be a need for a lockout. This is why Fred S. Hall as far back as 1898, denied the scientific value of a distinction between strikes and lockouts.<sup>9</sup>

For the same reason, since 1894 British statistics have not distinguished between strikes and lockouts. In fact, they use the term “dispute,” and this practice has become common in a growing number of countries. However, these statistical bureaus base this practice primarily on a misunderstanding of the class nature of capitalist society. Only if one closes one’s eyes to the class nature of society can one acquiesce in this practice. The same argument goes for the view held by neo-classical economists. They argue that labour conflicts are the result of misunderstandings between employers and employees. If the workers would have more knowledge of the matter they would never go on strike and listen to the arguments brought forward by their opponents. This line of thinking is in total denial of the class nature of society. Of course, one could claim that understanding society as a class society is merely a political precept, and has nothing to do with scientific research. In 1954, however, Rees argued that it is inadvisable to combine strikes and lockouts in research on the rela-

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<sup>7</sup> Igor Chernyshev, “Decent work statistical indicators: strikes and lockouts statistics in the international context”, in *Bulletin of labour statistics* (3) (2003), X.

<sup>8</sup> Michael Schneider, *Aussperrung. Ihre Geschichte und Funktion vom Kaiserreich bis heute* (Cologne: Bund-Verlag, 1980), 15.

<sup>9</sup> Fred S. Hall, *Sympathetic strikes and sympathetic lockouts* [Studies in History, Economics and Public Law, edited by the Faculty of Political Science of Columbia University vol. 10] (New York: Columbia University, 1898), 26.

tionship between labour conflicts and economic development.<sup>10</sup> In a period of economic expansion, there is an expectation that workers will be more eager to strike because their prospects of winning are good. During a recession, employers may have the upper hand since they can close down the company or factory by locking them out. Combining these two weapons into a single number representing conflicts will handicap research into this kind of relationship.

The main reason for regarding strikes and lockouts as separate phenomena, however, is that they are weapons in the struggle between labour and capital over the division of income and power. Workers have several weapons at their disposal. They can, for example, go on strike, sabotage, riot, change jobs, or try to change the political constellation. These weapons stem from an uneven relationship in which labour is the weakest party. Employers on the other hand are the stronger party, and they are even in a position to deny their workers “the possibility of living.”<sup>11</sup> In the end capital prevails in society. It only needs to resort to weapons when labour challenges its power. When workers quietly go to work each day and do not demand any change, employers will be satisfied. The disparity between labour and capital is recognized in the legislation of many countries, and laws therefore rarely mention lockouts, while the right to strike is enshrined in law.<sup>12</sup> From this, we may expect lockouts to occur mainly when labour is rebellious, when workers go on strike or establish unions.

## A brief overview of Dutch lockouts

The history of Dutch labour relations is characterized by low incidences of both strike and lockout activities in comparison to most other European countries. These low incidences go together with high levels of state control and efforts to negotiate in a tripartite system. There have nevertheless been periods of intense labour conflicts.

In 1886 a strike broke out in response to an unexpected reduction in wages at the Regout glassworks in Maastricht. After a week, it was clear to the workers that they would lose, and they therefore resolved to return to work. What happened then was told to a parliamentary commission a year later by one of

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<sup>10</sup> Albert Rees, “Industrial conflict and business fluctuations,” in *Industrial conflict*, ed. Arthur Kornhauser, Robert Dubin and Arthur M. Ross (New York: McGraw-Hill, 1954), 219.

<sup>11</sup> Fred S. Hall, *Sympathetic strikes and sympathetic lockouts* [Studies in History, Economics and Public Law, edited by the Faculty of Political Science of Columbia University vol. 10] (New York: Columbia University, 1898), 43.

<sup>12</sup> R. Blanpain, “Strikes and lock-outs in industrialized market economies,” *Bulletin of comparative labour relations* 29 (1994).

the partners. "Then, to amuse ourselves, we prevented them from returning to work for a month, and after that we hired them again."<sup>13</sup>

This event is a good example of the antipathy several employers felt towards their workers, especially when labour was rebellious. It also illustrates the fact that capital resorted to lockouts to counteract strikes. In 1842, 800 navvies working on the Ede-Bennekom railway line went on strike for higher wages. But instead of conceding to their demands, the employers locked them out. This was the first lockout in the Netherlands. It took another 30 years before another lockout occurred. In 1873 Amsterdam cigar-makers went on strike, backed by their union.<sup>14</sup> The story of this strike is worth telling. On January 1 one of the employers, Meyer, announced that his factory would be raising its wages. A day later, when Meyer arrived at the produce exchange his colleagues attacked him and ejected him from the building. The cigar-makers at other factories were encouraged to demand higher wages by the fact that a wage rise had been possible at Meyer's factory. To obtain their goal they declared a strike at one of the factories. Suddenly, however, the employers united and began a lockout in Amsterdam, Rotterdam, The Hague and Utrecht. Ultimately, far from achieving a wage rise the workers actually saw their union collapse. Moreover, the employers founded their own union, whose aim was the explicit ostracism of members of the labour union.

There is a wide consensus in Dutch historiography that employers only united in response to threats from labour. The experience of the cigar-makers might suffice to illustrate this, but there is another example that shows perfectly the deep-rooted condescension of many employers. After a massive strike in the Rotterdam port in 1907, some employers distributed a manifesto written in English and containing the following passage. "The incessant labour-troubles to which shipping at our port has lately been subjected, has made it necessary to the Employers to join together, in order to be able to protect Ship-owners against delay and unreasonable claims from the part of the labourers."<sup>15</sup> Not only is this a good illustration of the fact that employers acted in response to labour, it is also typical of the alleged arrogance of the employers. They capitalized themselves, while the labourers were thought worthy only of lower casing.

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<sup>13</sup> Enquête betreffende werking en uitbreiding der wet van 19 september 1874 (staatsblad no. 130) en naar den toestand van fabrieken en werkplaatsen (Sneek: H. Pytterssen, 1887), vol. II, 212. "Toen hebben wij hen voor ons plezier eene maand laten wandelen, en hen daarna weder aangenomen."

<sup>14</sup> W. van der Hoeven, *De Nederlandsche sigarenmakers- en tabakbewerkerbond opgericht op 26 december 1887. Zijn geschiedenis, werken en streven* (Amsterdam, 1937), 15-18.

<sup>15</sup> A.J. Teychiné Stakenburg, *Stand van Zaken 1907-1957, 50 jaar arbeidsverhoudingen in de Rotterdamse haven* (Rotterdam, 1957), 49.

The best example of the inclination among employers to unite against labour can be found in the textile region of Twente.<sup>16</sup> Twente lies in the east of the Netherlands, and its textile industry grew out of a centuries-old cottage industry, with almost feudal labour relations. The entrepreneurs found it very difficult to accept the emergence of a self-confident working class. They were supported in their attitude by the fact that textile was the core industry in Twente, and workers were therefore bound to their employers. Between 1890 and the Second World War every strike was met by a total lockout involving all companies. In fact, in the Netherlands locking out was often called the “Twente system” (*Het Twentse model*), although lockouts also occurred elsewhere, as we have seen.

Meanwhile, in other parts of the country there was a growing tendency among representatives of industrial capital to improve the working conditions of their labourers. They did so partly out of fear of working-class power (this fear had become paramount, especially since the Paris Commune of 1871). But also because of the growing realization that workers would actually produce more if wages were higher and working hours shorter. This insight grew especially in the new industries that required workers with more skills. One of the leading figures in this development was Jacques van Marken, an industrialist from Delft, who even went so far as to support strikers, including striking Twente textile workers in 1888.<sup>17</sup>

As in other countries, the Dutch state began to intervene in labour relations. In 1874 it prohibited the employment of young children, and in the following decades several other bills designed to regulate working conditions were passed by parliament. Further discussions at the end of the 1890s eventually resulted in proposals for what later became the Industrial Injuries Insurance Act (*Ongevalwet*).<sup>18</sup> These proposals prompted employers to set up a national organization in an effort to retain their influence. Not surprisingly, it was the Twente employers who took the initiative. However, the Twente type of conservative capitalist was in retreat, and these proposals became law in 1901.

This concern among progressive employers and politicians for workers’ interests did not represent a weakness on their part. On the contrary, when, in 1903, a massive railway strike swept through the Netherlands, Conservative politicians pushed through a bill that deprived tens of thousands of workers of the right to strike. At the same time, employers sacked and blacklisted thousands of strikers who had opposed the new law. This was a temporary setback for the union movement, and ultimately the movement emerged stronger than

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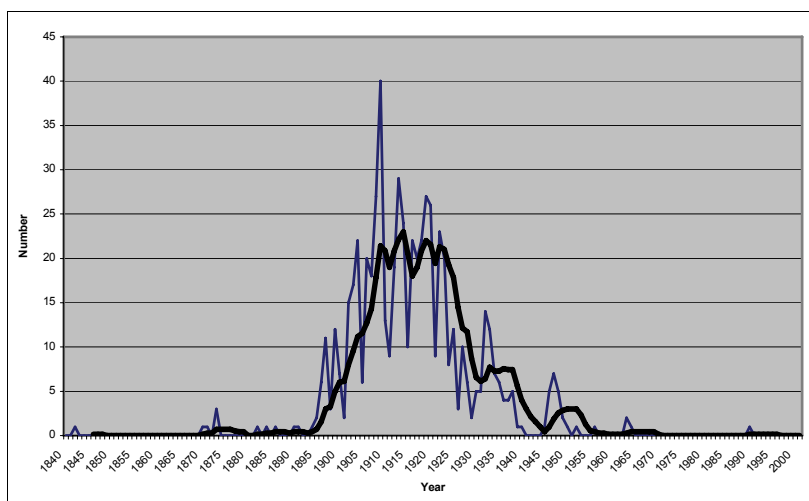
<sup>16</sup> Dik Nas, *Het Twentse model. Honderdvijfentwintig jaar vakbeweging in Enschede* (Amsterdam: Nationaal Vakbondsmuseum, 1998), 178.

<sup>17</sup> J. Muntendam, *Loon naar werken. Enkele sociale aspecten van het werk van J.C. van Marken* (Deventer: Kluwer, 1971).

<sup>18</sup> Marian van der Klein, “The widows of the gasworks: gendered path dependency and the early Dutch welfare state,” *Social Politics* 10 (2003): 1-22.

before. Any ideas about an impending social revolution disappeared almost completely from the agenda of the unions, and their sole aim became to improve labour relations. As Burnett, the secretary of the British Amalgamated Society of Engineers, put it: “No stronger barrier to social revolution exists than those which have been erected by the unions.”<sup>19</sup> This was true for the Netherlands as well, and from 1903 onwards the unions increasingly tried to negotiate with employers. Most employers too preferred negotiation and collective agreements to constant battles with an anonymous mass of workers. As a result, the number of such agreements grew from one in 1904 to 46 six years later.

Figure 1. Frequency of lockouts in the Netherlands (1840-2001): real data, and trend data (seven-year moving average)



Source: <http://www.iisg.nl/databases/stakingen.html>

Before continuing this brief history of labour relations in the Netherlands, it will be instructive to look at lockouts as a phenomenon over time (Figure 1). I gathered the data in the same way that the Dutch Central Bureau of Statistics (CBS) gathered its data between 1901 and 1940. I suppose that the database contains more than 95 % of the strikes and lockouts that actually took place between 1840 and 2001. Mixed conflicts are counted twice, once as a strike and the other time as a lockout. Only 33% of all lockouts that took place between 1890 and 1940 were connected to a strike, which means that most lockouts were pure. This fact contradicts the assumption that most lockouts are

<sup>19</sup> John Burnett et al., *The claims of labour. A course of lectures delivered in Scotland in the summer of 1886, on various aspects of the labour problem* (Edinburgh: Co-operative Printing Co., Ltd., 1886), 36.

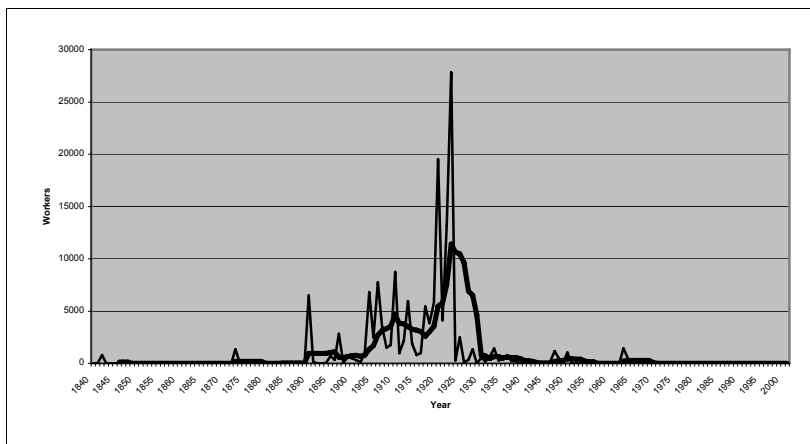


connected to strikes. This assumption was made by Knowles and led him to actually ignore lockouts.

It is clear that the number of lockouts grew rapidly at the beginning of the twentieth century. The peak was in 1909, when the employers responded to the new law on labour contracts, which put an end to the axiom enshrined in the Dutch civil code that “The word of the employer, if necessary on oath, shall be believed.”<sup>20</sup> It is understandable why so many employers were opposed to the new law.

The number of lockouts was also 25 or more in 1913, 1919 and 1920. In 1913, most lockouts were connected with the growing number of strikes; the two other years illustrate the newly won strength of capital following the post-First-World-War revolutionary period. After the mid-1920s a decline set in, which stopped temporarily at the end of the 1930s because of a growing number of lockouts in response to strikes among those employed on job-creation schemes (“*Werkverschaffing*”). The decline then resumed its course, apart from a small uptick in the period directly after the Second World War.

Figure 2. Intensity<sub>w</sub> of lockouts in the Netherlands (1840-2001): real data, and trend data (seven-year moving average)



Source: <http://www.iisg.nl/databases/stakingen.html>

Clearly, the sheer number of lockouts, or frequency, will not suffice to give us a good picture of developments over time. After all, a lockout could involve just one company or many, just two workers or the entire working class; finally, in theory, the duration could vary from one minute to eternity. To reach a

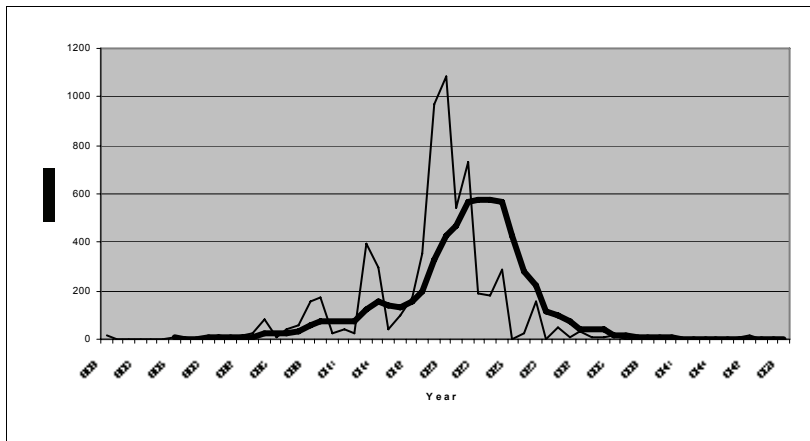
<sup>20</sup> A. Oudeman (ed.), *Het burgerlijk wetboek* (The Hague, 1898), 468. “De meester wordt op zijn woord, des gevorderd met eede gesterkt, geloofd.” This provision was adopted from the Code Napoléon: “Une affirmation du maître est toujours crue.” Code Napoléon (1811), 499.

better understanding of the phenomenon, let us turn to the number of workers locked out, or  $Intensity_w$  (Figure 2). One remark must be made in advance though. Especially in the case of the lockouts that took place during the nineteenth century, often we know nothing more than the fact that they occurred. In these cases, we do not know how many workers and companies were affected, nor the number of working days lost.

If we restrict ourselves to the years in which employers locked out more than 10,000 workers, we see a peak in the period when labour agitation was at its most widespread. These were the years when the post-World War I revolutions in Europe failed. The number of workers affected by lockouts reached its maximum in 1923 because of the notorious Twente System. In 1919 Twente's textile workers won their battle for a 48-hour working week in the aftermath of labour's postwar political victory. Four years later power shifted back to capital, and the employers demanded a return to the 53-hour working week. When the workers refused, the textile barons announced a ten per cent wage reduction. This would have been the second time in one year that wages had been lowered, and the unions decided to take a stand. They declared a strike of 244 workers in one of the weaving mills. In response, all 39 textile barons closed their factories and it took eight months before they allowed the 22,000 workers to resume work. It was a dramatic illustration of where power lay.

Following this last major lockout,  $Intensity_w$  dropped to a very low level. It follows from this and Figure 1 that although the frequency remained stable for a number of years these lockouts quickly became less intense in terms of the number of workers locked out.

Figure 3. Number of companies ( $Intensity_c$ ) where a lockout occurred (1890-1950): real data, and trend data (seven-year moving average)



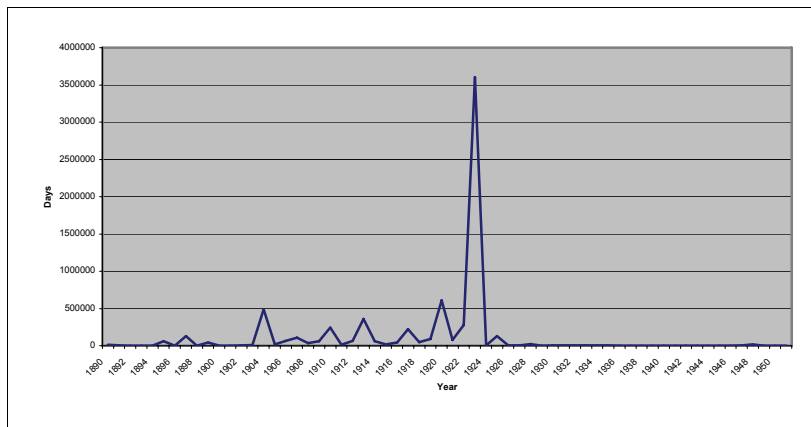
Source: <http://www.iisg.nl/databases/stakingen.html>

Whereas, during strikes, the workers are the actors, one or more employers are agents during a lockout (Intensity<sub>e</sub>). We will therefore now turn to the real agents of lockouts in the Netherlands (Figure 3). To get a clearer picture, we will focus on the period 1890-1950, the period in which most of the lockouts were concentrated.

This picture makes it clear that employers tended to be more inclined to lock out their workers during years in which they felt most threatened. This threat came from strike movements (1903, 1912-1914 and 1916-1920), but also from legislative developments such as the 1909 law on labour contracts. As we have already seen, the more enlightened employers realized that these contracts were also to their own benefit. Others, the more conservative employers (such as Twente's textile employers), were afraid that contracts would rob them of their power – a view similar to the “Herr-im-Hause” attitude of their contemporary German colleagues.<sup>21</sup>

It is also obvious that the number of employers that wanted to lock out their workers diminished rapidly after the post-First-World-War years (1920: 1,085; 1925: 284; 1930: 50; 1935: 13; 1940: 1). At the same time, the number of employers that had signed a collective agreement grew from almost 8,000 to 70,000. The correlation between the two series for the years 1920-1940 is, as expected, negative:  $R=-0.6$ . These figures are a clear illustration of the fact that signing collective agreements was one way to prevent labour conflicts, including lockouts. Indeed, Schlingemann specifically referred to this development, which was then in motion, in his 1933 study.<sup>22</sup>

Figure 4. Number of working days lost due to lockouts (1890-1950): real data



Source: <http://www.iisg.nl/databases/stakingen.html>

<sup>21</sup> Michael Schneider, *Aussperrung. Ihre Geschichte und Funktion vom Kaiserreich bis heute* (Cologne: Bund-Verlag, 1980), 100.

<sup>22</sup> J.G. Schlingeman, *Het voorkomen en beslechten van arbeidsgeschillen* (The Hague, 1933).

So far, we have examined three indicators of lockout activity (frequency, intensity in terms of number of workers, and intensity in terms of number of employers). The fourth indicator, duration (or the number of working days lost due to lockouts), is the one that has attracted most interest among economists because of its direct effect on economic life (Figure 4).

The line indicating the number of days lost is very straightforward, and we have therefore omitted the trend line that accompanied the other graphs. The peak year for the number of days lost was 1923, the year of the Twente lock-out. During this conflict, 48% of all days lost during lockouts in the period 1840-1970 were lost.

Because the four graphs provide a somewhat disparate picture, it will be more convenient to combine them into a single index. I have constructed a similar index for strike activity which relates the strike indicators (frequency, Intensity<sub>w</sub>, Intensity<sub>c</sub> and duration) to the size of the labour force (the number of workers) and the labour volume (the number of working hours).<sup>23</sup> The purpose of the lockout index in this article is to provide a comparison with strike activity, and I will therefore use simplified versions of these indices.

$$\{(N_t/\bar{N}) + (C_t/\bar{C}) + (W_t/\bar{W}) + (D_t/\bar{D})\} * (100/4) \quad (1)$$

N = frequency, or the number of lockouts

C = intensity<sub>c</sub>, or the number of companies

W = intensity<sub>w</sub>, or the number of workers locked out

D = duration, or the number of working days lost due to lockouts

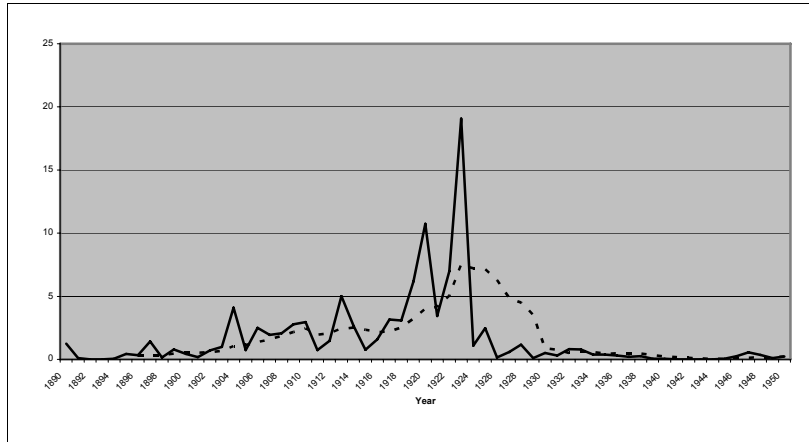
t = any specific year

— Indicates the total of all years.

First, let us consider the lockout index (Figure 5). The graph shows some clear peaks: 1897, 1904, 1913, 1920 and 1923. In 1897 the Algemeene Nederlandsche Diamantbewerkerbond (ANDB), the diamond workers' union, called the 32 diamond cutters at a small firm in Amsterdam out on strike because their employer was paying wages lower than those agreed. Other employers used this small-scale strike as a pretext to declare a lockout. The lockout was actually a response to the growing power of the ANDB, founded three years earlier. The employers' organization forced more than 2,500 workers into idleness for about seven weeks. Ultimately, the employers promised to pay workers the agreed minimum wage on condition they abandoned their strike. After some pressure from their union leaders, the workers agreed and both the strike and the lockout ended.

<sup>23</sup> Sjaak van der Velden and Peter Doorn, "The striking Netherlands: Time series analysis and models of socio-economic development and labour disputes, 1850-1995," *Historical Social Research* 26 (1) (2001): 222-243. See too Sjaak van der Velden, "Strikes in Global Labor History: The Dutch Case," in *Review. A Journal of the Fernand Braudel Center* XXVI (4) (2003): 381-405.

Figure 5. Index of lockout activity in the Netherlands (1890-1950): real data, and trend data



Source: <http://www.iisg.nl/databases/stakingen.html>

In the event, this lockout was the starting shot for a continued struggle against unionism. The employers used every means possible to destroy the union. In 1904 they locked out more than 6,000 workers in response to a number of union demands, including a nine-hour working day. It took more than 17 weeks before an agreement could be reached, but the most important outcome was the employers' failure to destroy the ANDB, despite apparently having time on their side<sup>24</sup>. Time appeared to be on the employers' side because the general strike of 1903 had resulted in a victory for the employers and the union movement lost many members because of the defeat.

The year 1920 saw a massive lockout in the building industry. The national employers' organizations had reached an accord with the confessional unions on a nationwide collective agreement. The socialist and revolutionary unions were unwilling to sign the agreement, and demanded higher wages. They even called a local strike among the plasterers in The Hague. But they miscalculated. Labour was on the retreat and employers felt reinvigorated. They responded in June by locking out thousands of workers all over the country. It took another two months before the workers capitulated.

The Twente lockout of 1923 has already been referred to. This event had such an impact that 19 per cent of all lockout activity, as measured by the in-

<sup>24</sup> C.A. van der Velde, *De A.N.D.B. Een overzicht van zijn ontstaan, zijne ontwikkeling en zijne betekenis* (Amsterdam: Algemeene Nederlandsche Diamantbewerkerbond, 1925), 123-126, 385-436.

dex, during the years 1840-2000 occurred in 1923. The four reactionary years 1920-1923 accounted for 40 per cent.

After 1923, strike activity dropped off dramatically. This is commonly explained in terms of the institutional changes that took place. In 1923, 1927 and 1937 parliament passed three laws that were to have a major effect on labour relations in the Netherlands. In response to the massive waves of strike and lockouts in the postwar years the Dutch government put forward a series of legislative proposals, including one to appoint state mediators (*Rijksbemiddelaars*). These proposals were eventually enacted in 1923. The task of these officials was to mediate between employers and unions whenever a strike or lockout was about to break out or during disputes in which more than 50 workers participated. This institution was highly successful, and the mediators managed to prevent or end more than 50 per cent of the conflicts in which they intervened.<sup>25</sup>

We have already pointed to the effect of collective agreements on the occurrence of strikes and lockouts. In 1927 and 1937 two laws relating to these agreements came into force. The most important was the 1937 law, which gave the government the power to make a collective agreement obligatory for an entire trade.

In 1940 Germany occupied the Netherlands, and one of the first measures of the occupying power was to impose a total ban on strikes and lockouts. When in 1945 the Netherlands regained its independence, the government implemented a new system of labour relations. This system had been drawn up by the provisional government-in-exile in London, and the developments already under way in the pre-war years were pursued. The labour unions became an integral part of the system, and they were given an advisory role on the basis of parity with the employers' organizations. The state became the sole decision-maker, with the unions, employers and experts having the right to advise.<sup>26</sup> In exchange for being recognized by the state and employers as the representatives of labour, the unions had to accept joint responsibility for economic development. This led unions to more or less abandon the strike as a means of improving working conditions. During most strikes in the post-1945 period, they actually opposed the strikers.

After 1960, this system of regulating labour relations collapsed in the face of the enormous increase in the number of wildcat strikes. The state retreated until, in 1987, it eventually gave up its right to set wage levels. Nevertheless, the unions continued to represent labour in negotiations with employers. Naturally, they wanted the best for workers. But they were also prepared to explain to their members the dangers of excessive wage growth during economic booms

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<sup>25</sup> A. Spruit, *Stakingsrecht in het kader van de arbeidsovereenkomst* (Groningen and Jakarta: J.B. Wolters, 1955), 134.

<sup>26</sup> W. Albeda and W. Dercksen, *Arbeidsverhoudingen in Nederland* (Alphen aan den Rijn and Deurne: Samsom, 1991).

and to accept that wages should not grow during a recession. This attitude demonstrated how responsible unions were as partners in the system of labour relations. Their role was widely appreciated by employers and politicians – so much so that this sometimes led to widespread mistrust on the part of labour.

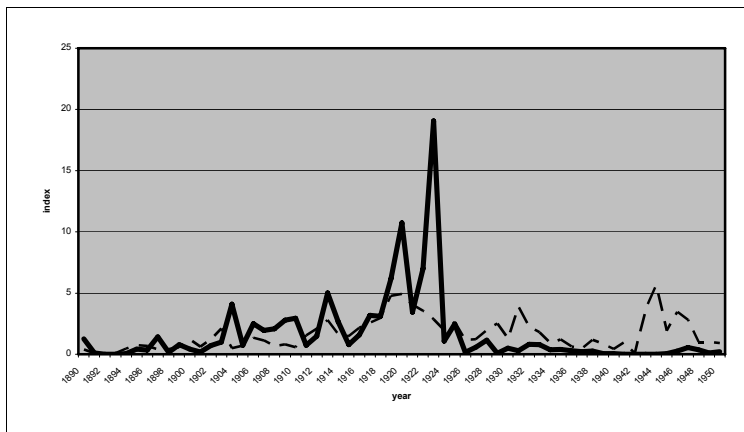
An overview of the history of lockouts in the Netherlands shows clearly that lockouts were a weapon in the hands of the employers during the period when labour unions were growing. Once employers had adapted to the idea that workers were prepared to speak for themselves, through their own organizations, and once employers had realized that it was better to negotiate with a limited number of unions than with many individuals, the employers abandoned this weapon.

The next problem we must address is the question of whether in combining strikes and lockouts the statistics are misleading.

### The share of lockouts in labour conflicts

Formula (1) can also be used to calculate strike activity for the period 1890-1950. Figure 6 superimposes the indices of strike activity and lockouts. However, we must bear in mind that this formula is not suitable for calculating the change in strike activity compared with overall economic development.<sup>27</sup>

Figure 6. Indices of strike and lockout activity in the Netherlands (1890-1950): real data



Source: <http://www.iisg.nl/databases/stakingen.html>

<sup>27</sup> Sjaak van der Velden, "Strikes in Global Labor History: The Dutch Case," in *Review. A Journal of the Fernand Braudel Center* XXVI (4) (2003): 381-405.

Figure 6 shows that there were periods when both the number of strikes and lockouts rose or declined. The more interesting periods though are those in which the two diverged, and they include 1903-1904, 1917-1918 and 1921-1923. During the first and last of these periods the employers were the more aggressive party due to developments we have already sketched, while the last two years of the First World War saw labour achieving significant success. Because it is obvious that the pattern of change was not always in the same direction, we have calculated correlations between the indices and the four indicators of strikes and lockouts for a number of periods. The results are presented in Table 1.

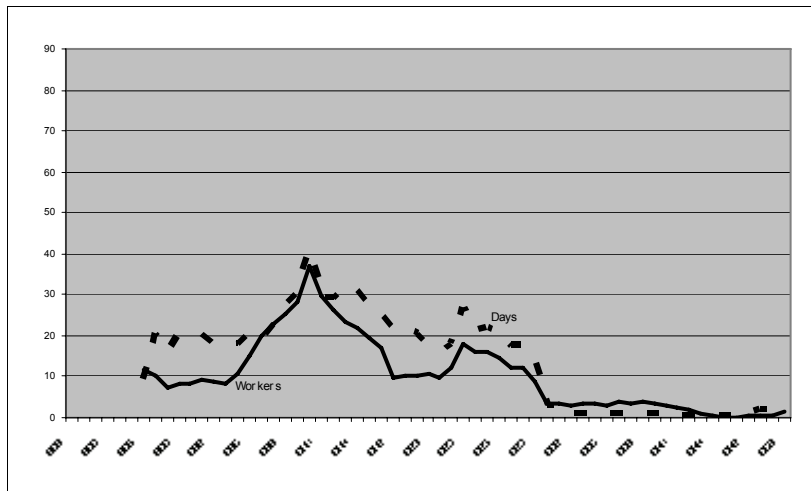
Table 1. Correlation coefficients between strikes and lockouts (1890-1950)

	<i>Index</i>	<i>Frequency</i>	<i>Companies</i>	<i>Workers</i>	<i>Working Days</i>
1890-1950	0.42	0.61	0.78	0.12	0.12
1890-1930	0.60	0.58	0.81	0.43	0.39
1900-1920	0.74	0.37	0.78	0.43	0.49
1890-1900	0.24	0.86	0.27	-0.09	-0.06
1900-1910	-0.35	-0.16	0.00	-0.35	-0.34
1910-1920	0.83	0.75	0.79	0.64	0.64
1920-1930	0.56	0.73	0.86	0.54	0.35
1930-1940	0.41	0.74	0.35	0.33	0.26
1940-1950	0.01	0.91	0.96	-0.11	-0.18

Table 1, too, shows that the direction of change varied frequently. The pattern of change was sometimes similar, sometimes different. The developments shown in Figure 6 and Table 1 are somewhat confusing. One might easily get the impression that strikes and lockouts were equal in terms of frequency because, especially in Figure 6, the lines are so close to one another. In reality, strikes were much more frequent than lockouts, and this is all the more evident from the other indicators. Because the ILO uses the number of working days lost due to labour conflicts for the purposes of international comparisons, we have calculated the number of days lost during lockouts as a percentage of the total number of working days lost due to labour conflicts. In my view, the number of employees involved is even more important, because social historical research should give more weight to people than to days. Figure 7 therefore also includes data on the number of workers involved.



Figure 7. Workers involved in and working days lost during lockouts, as a percentage of all workers involved in and working days lost during labour conflicts respectively (1890-1950) (seven-year moving averages)



Source: <http://www.iisg.nl/databases/stakingen.html>

Clearly, in some years a large proportion of the total number of workers involved in and the total number of working days lost through labour conflicts resulted from lockouts. The highest absolute percentages were 84 for the number of days and 64 for the number of workers in 1904 and 1910 respectively. If we calculate the percentages for ten-year periods, it again becomes evident that in 1890-1930 the employers initiated a large proportion of labour conflicts.

Table 2. Number of lockouts, Workers involved in and working days lost during lockouts, as a percentage of all labour conflicts respectively (1890-1950)

	<i>Number</i>	<i>Workers</i>	<i>Days</i>
1890-1899	4	13	19
1900-1909	10	21	22
1910-1919	5	15	24
1920-1929	4	11	15
1930-1939	3	3	1
1940-1950	1	1	1

Table 2 makes it clear that if we add lockouts to strike activity without comment, the picture becomes misleading. Especially the period 1900-1940 will lead us to assume that labour was more aggressive than it actually was. It

is surprising that Dutch historians have shown no awareness of this fact.<sup>28</sup> They simply used the official statistics and lumped strikes and lockouts together. It is all the more surprising that it was a Jesuit sociologist who, in the mid-1960s, wrote that during the first decade of the twentieth century more lockouts than strikes took place in the Netherlands. He argued that this was a sign of resistance by employers to the emergence of labour unions.<sup>29</sup>

In the light of Rees' argument in favour of distinguishing between strikes and lockouts let us now turn to a clear economic indicator and its influence on strikes and lockouts. This indicator, unemployment, is often supposed to have consequences for the class struggle. We may expect that workers are reluctant to strike during periods of high unemployment, while on the other hand employers might use a lockout (or provoke a strike) in order to cut. We may expect that the reverse of these assumptions is also true.

So the expected values are negative in case of the strike indicators and positive with lockouts.

I calculated correlations between the rate of unemployment and the four indicators on strike and lockout activity (frequency, intensity<sub>c</sub>, intensity<sub>w</sub> and duration). Because most indicators show a trend, they were all detrended by calculating the first differences. Otherwise, the correlations would be high because of the trend effect, which automatically results in high correlations.

Table 3. Correlation coefficients between detrended unemployment and strike and lockout indicators (1890-1940)

Expectation	Frequency		intensity <sub>c</sub>		intensity <sub>w</sub>		Duration	
	Strikes	Lockouts	Strikes	Lockouts	Strikes	Lockouts	Strikes	Lockouts
	Neg (-)	Pos (+)	Neg (-)	Pos (+)	Neg (-)	Pos (+)	Neg (-)	Pos (+)
1890-1900	0,16	0,06	0,01	0,30	0,15	0,27	-0,03	-0,14
1901-1910	-0,43	0,26	-0,37	0,30	-0,05	-0,15	0,25	0,17
1911-1920	-0,27	-0,15	-0,47	-0,01	-0,6	-0,19	-0,33	-0,33
1921-1930	-0,48	0,07	0,19	-0,36	-0,02	0,17	-0,08	0,29
1931-1940	0,5	0,56	0,34	-0,07	0,36	0,33	-0,06	-0,12
1890-1940	-0,09	0,06	-0,03	-0,07	0,001	-0,01	-0,09	0,03

Table 3 shows forty values for the five ten-year periods of which 23 show the expected signs. Only seven of the twenty pairs of values show a switch from a positive to a negative correlation. In the majority of cases, the outcome of my calculations does not coincide with the expectations.

If we calculate the explained variation by taking the squares of the correlation coefficients ( $R^2$ ), it is clear however that there exist big differences be-

<sup>28</sup> Ger Harmsen and Bob Reinalda, *Voor de bevrijding van de arbeid* (Nijmegen: Sun, 1975), 426.

<sup>29</sup> H. Hoefnagels, *Een eeuw sociale problematiek. De Nederlandse sociale ontwikkeling van 1850-1940* (Roermond, 1966), 122.

tween these values for strikes and lockouts. To give an example, 23% of the variation in the number of strikes during the 1920's is explained by the development of unemployment whereas only 0.5% of the variation in the number of lockouts stems from unemployment. This fact only seems to be a good reason for a separate study of strikes and lockouts.

At three points in the present article we have stressed the importance of distinguishing between strikes and lockouts. The first was in the light of research into the relationship between industrial conflicts and economic fluctuations. The second was prompted by the lack of any consistent correlation between strikes and lockouts. The third was in response to the observation that lockouts were an important feature of labour conflicts only for a short period. Focusing on this period will therefore lead to misleading conclusions if, in studying workers' protests, we include lockouts uncritically.

Another conclusion of our brief history of lockouts in the Netherlands must be that lockouts almost completely vanished from the scene. This conclusion is consistent with the international literature on labour relations in the core countries of capitalism.<sup>30</sup> This is not to say, of course, that lockouts never recurred. First of all, the official statistics on labour conflicts are unreliable for a variety of reasons.<sup>31</sup> This led Rainer Kalbitz to carry out his own research on lockouts in Germany, one of the few countries that publish separate statistics on lockouts. Kalbitz discovered that in the period 1949-1973 the official statistics omitted 45 lockouts, 57,000 locked-out workers and 1,258,000 working days lost due to lockouts.<sup>32</sup> Kalbitz aptly subtitled his book "the forgotten conflicts". We must not forget, however, that even after adjusting the data, lockouts accounted for only a small proportion of all industrial disputes. Between 1970 and 1975 2,630 labour conflicts took place in Germany; only 11 were lockouts.

The Dutch literature on the subject is also unanimous, though concluding, as Albeda and Dercksen did, that "there have been no lockouts since 1945" would be to exaggerate somewhat.<sup>33</sup> We have already referred to the reasons why lockouts ceased. Increasingly, capitalists realized that unions – the main target of lockouts – were not enemies, but an integral part of labour relations, and that there was more to be gained by involving unions. Also important was the recognition that there were better ways to fight workers than by locking them out. The whole range of industrial management techniques developed by Frederick Winslow Taylor and the like and the massive transfer of capital to low-wage countries are just some of the weapons capitalists have at their disposal. In

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<sup>30</sup> Kenneth Walsh, *Strikes in Europe and the United States. Measurement and incidence* (London: Frances Pinter, 1983), 16.

<sup>31</sup> Sjaak van der Velden, "Strikes in Global Labor History: The Dutch Case," in *Review. A Journal of the Fernand Braudel Center* XXVI (4) (2003): 381-405.

<sup>32</sup> Rainer Kalbitz, *Aussperrungen in der Bundesrepublik. Die vergessene Konflikte* (Frankfurt am Main: Otto Brenner Stiftung, 1979), 25.

<sup>33</sup> W. Albeda and W. Dercksen, *Arbeidsverhoudingen in Nederland* (Alphen aan den Rijn and Deurne: Samsom, 1991), 192 ["uitsluiting (is) sedert 1945 niet voorgekomen"].

short, capitalists could do without the lockout, even though individual employers have sometimes returned to it. Recently voices were heard in The Netherlands amongst employers to return to the lockout as a counter measure against strikes. It is also possible that employers reacted differently in different situations. The disappearance of the lockout in Europe's core countries in particular did not necessarily mean that the same corporations also eschewed the lockout as a strategy in the developing countries in which they operated. The study by Rudarr Datt makes it evident that in India, one of the biggest non-European countries, the lockout is still a powerful weapon. In his own words: "the employers (...) use lockouts as a weapon for downsizing, casualization, increasing workload and suppressing workers and trade unions, to give a free hand to employers to hire and fire."<sup>34</sup>

### Conclusion and the need for new statistics

We would like to suggest two main conclusions. First, that the lockout has almost disappeared from the battlefield of labour relations in the Netherlands and many other core capitalist countries, but is still much alive in several non-western countries and regions. Secondly, that historical research must distinguish between strikes and lockouts, if only because the agents of these two types of event are not the same. More important is the fact that by piling up strikes and lockouts a number of developments gets out of sight. They cannot be analyzed properly.

Since the ILO and most national statistical bureaus do not in fact make a distinction between strikes and lockouts, a third conclusion is also warranted, namely that proper historical and comparative research on strikes and lockouts requires new statistics to be compiled.

To establish new statistics on lockouts (and strikes) we need a set of agreements on the criteria. Of course we can partly rely on the data collected by the national bureaus but these are not enough because great differences between them exist. From the synopsis published by Chernyshev on 97 countries<sup>35</sup> we get a glimpse of what these differences are.

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<sup>34</sup> Rudarr Datt, *Lockouts in India* (Manohar, 2003), 29.

<sup>35</sup> Igor Chernyshev, "Decent work statistical indicators: strikes and lockouts statistics in the international context", in *Bulletin of labour statistics* (3) (2003)

Table 4. Differences in the collection of statistics on labour disputes between 97 countries.

<i>Minimum criteria</i>	<i>Exclusion of professions</i>	<i>Political conflicts not included</i>	<i>Lockouts not included</i>	<i>Unofficial disputes not included</i>	<i>Data source other than State</i>
Algeria	Albania	Albania	Albania	Japan	Albania
Argentina	Antigua	Antigua	Algeria		Algeria
Australia	Argentina	Argentina	Belarus		Antigua
Belarus	Bangladesh	Bahamas	Cameroon		Austria
Bolivia	Belgium	Barbados	Central AR.		Bangladesh
Canada	Cameroon	Belarus	Costa Rica		Belarus
Central African Rep.	Central African Rep.	Botswana	Egypt		Belgium
Chile	Colombia	Burkina Faso	El Salvador		Cameroon
Costa Rica	Czech Republic	Cameroon	Fiji		Central African R.
Cyprus	Equatorial Guinea	Chile	Ghana		Costa Rica
Denmark	France	Costa Rica	Haiti		Czech Republic
Dominica	Guinea	Cyprus	Hungary		Denmark
Ecuador	France	Ecuador	Portugal		Dominica
El Salvador	Gabon	Egypt	Swaziland		El Salvador
Finland	Germany	El Salvador	Turkey		Fiji
France	Hong Kong	Equatorial Guinea	Venezuela		Germany
Germany	India	Guatemala	Zimbabwe		Ghana
Greece	Israel	Honduras			Guatemala
Haiti	Nepal	Hong Kong			Guinea
Honduras	Papua New Guinea	Hungary			Haiti
Hong Kong	Peru	India			Hungary
Hungary	Philippines	Isle of Man			Isle of Man
India	Portugal	Israel			Israel
Ireland	Romania	Jordan			Japan
Isle of Man	Slovak Republic	Korea			Korea
Israel	South Africa	Malta			Madagascar
Japan	Spain	Mexico			Malaysia
Malaysia	Suriname	Nepal			Nepal
Mauritius	Switzerland	Pakistan			Netherlands
Mexico	Tunisia	Philippines			Nigeria
New Zealand	Turkey	Puerto Rico			Pakistan
Norway	Ukraine	Romania			Panama
Papua New Guinea	United Kingdom	San Marino			Papua New Guinea
Philippines	Uruguay	Singapore			Peru
Poland	Virgin Is-	Sri Lanka			Poland
Romania		Swaziland			Portugal
Russian		Tanzania			

Federation San Marino Spain Sri Lanka Suriname Sweden Switzerland Tanzania Tunisia Ukraine United Kingdom United States	lands Zambia	Thailand Trinidad Tunisia Turkey Ukraine United Kingdom United States Venezuela Zimbabwe			Puerto Rico Romania Russian Federation Senegal Slovak Re- public Spain Swaziland Tanzania Tunisia Turkey Venezuela Zimbabwe
51	37	47	17	1	48

From table 4 it may be clear that there comes a variety of data from the 97 countries and that it is not easy to compare the countries because of these differences. In 51 countries a minimum is decided for inclusion in the statistics. This minimum duration varies from at least one hour (Tunisia) to ten days (Australia). Other criteria are a minimum of at least three workers (Costa Rica) to a thousand workers involved (United States since 1982). Many countries don't include political conflicts in their statistics, while Japan omits unofficial conflicts. From 1999 on Belarus and Greece even did not bother any longer about the publication of statistics on labour disputes at all.

Besides the fact that lockouts are not included in 17 countries, the differences between the countries are an extra reason to compile new statistics. The urge to do so becomes even bigger when we realize that most statistical bureaus changed their criteria in the course of time. The Dutch CBS for example from 1901 to 1927 created separate statistics on strikes and lockouts. In the last year it decided that only the economic consequences of labour conflicts were to be counted and so strikes and lockouts were piled up from that date on. Even this is done improperly however, because when the CBS creates historical statistics on labour conflicts, strikes and lockouts from the pre-1927 era are simply summed up, ignoring the fact that some of the strikes and lockouts belong to the same conflict.

New statistics should be made according to an explicit data code book to which all researchers adhere. This is the only way in which proper international comparisons can be made. In what follows we will present a first proposition:

- 1) Definitions. The terms, definitions and measurement as stated by the ILO (1993) will be used.
- 2) Coverage. The statistics should cover the whole nation and go back in time as far as possible

- 3) Basic data to be collected.
  - a) Strikes, lockouts and other expressions of class struggle as covered in 1.
  - b) The number of workers involved in these actions
  - c) The duration of these actions in days regardless of year or season
  - d) The amount of time not worked by workers directly, indirectly or secondary involved in these actions
  - e) The number and names of the companies involved, including conglomerates to which they belong
  - f) The demand(s) that caused the actions
  - g) The outcome of the actions and method of settlement
  - h) The calendar date of the actions
  - i) The geographical position of the action (if possible the longitude and latitude)
  - j) The profession of the workers consistent with the *Historical International Classification of Occupations* (HISCO)
  - k) The economic sector according to the *International Standard Industrial Classification*
  - l) The workers' and/or employers' organizations concerned
  - m) Was the action official or unofficial (wildcat)
  - n) Special groups of workers (e.g. women, children, aliens)
  - o) An account
- 4) Sources
  - a) If available the official, national statistics
  - b) Yearbooks, magazines, leaflets, books etc. issued by workers' and/or employers' organizations or others
  - c) Newspapers, the World Wide Web