

News media representations of the Trade Union Act (2016) and their links to liberal theory

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ENG Abstract: This paper explores how concepts from two influential strands of liberalism, new liberalism and neoliberalism, are represented in a sample of online media articles by analysing news coverage of the Trade Union Act (2016). Conceptually, a cultural studies perspective is adopted; methodologically, a social semiotic analysis is applied to a sample of internet news items published on the websites of The Guardian, The Daily Mail, Sky News, and BBC News. To systematise the analysis, three thematic axes were constructed: a) Democracy, Law and Order; b) Civil and Labour Rights; c) Military Metaphors, Privileges and Trade Unions.

Keywords: Trade Union Act, liberalism, neoliberalism, new liberalism, news, media representations, UK.

ES Representaciones mediáticas de la Ley de Sindicatos (2016) en el Reino Unido y sus vinculaciones con las teorías liberales

Resumen: En este artículo se presenta de qué manera son representados en un conjunto de medios digitales ingleses algunos conceptos de dos influyentes corrientes del liberalismo: el nuevo liberalismo y el neoliberalismo, a partir del análisis de la cobertura mediática otorgada a la ley de sindicatos de 2016. Conceptualmente se utiliza la perspectiva de los estudios culturales y, a nivel metodológico, se aplica una combinación de herramientas socio-semióticas que permiten analizar un conjunto de noticias publicadas en los sitios digitales de The Guardian, The Daily Mail, Sky News, y BBC News. Para sistematizar el análisis se construyeron tres ejes temáticos: a) Democracia, ley y orden; b) derechos civiles y laborales; c) metáforas militares, privilegios y sindicatos.

Palabras Clave: Ley de Sindicatos, liberalismo, neoliberalismo, nuevo liberalismo, noticias, representaciones mediáticas, Inglaterra

Contents: 1. Introduction. The Regulation of Industrial Disputes in the UK: From the Golden Formula to the Trade Union Act. 2.1 The Golden Formula, Keynesianism, and Collective Laissez-Faire. 2.2 Neoliberalism, Industrial Relations, and the Trade Union Act (TUA). 2.3 The Trade Union Act 2016. 3. New Liberal and Neoliberal Theory: Trade Unionism, Democracy and Law. 4. Representation, Digital Media, and Conceptual-Methodological Approach. 4.1 Discursive Hegemony: Media Constructed Perspectives. 4.2 News Media Systems in the UK. 4.3 Methodological Approach: Sampling Digital News Media Articles. 5. News Media Representations of Trade Unions and the

TUA. 5.1 Democracy, Rights, and the Rule of Law. 5.2 Civil Liberties, Human Rights, and Worker's Rights. 5.3 Military Metaphors and Tropes of Feudal Privilege. 6. Conclusions. 7. Bibliography.

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1. Introduction

Promulgated in 2016, the Trade Union Act (TUA) is one of the most significant pieces of industrial relations legislation since the Employment Act 1980 (Ford and Novitz, 2016: 2), constituting a core marker in the ideological politics of regulating strikes and trade unions in the UK (Bogg, 2016: 1). Whilst the TUA has generated a number of studies analysing the legislative changes from the fields of law (Bogg, 2016; Ford and Novitz, 2015; 2016) and employment relations (Darlington and Dobson, 2015), the engagement of cultural studies research with the topic of industrial relations has tended to concentrate on news representations of strikes (Glasgow University Media Group, 1976; 1980; Kerr and Sachdev, 1991; Manning, 1997; 2001; Morley, 1976; Philo, 1978). In other national contexts, such as Spain, research into news media representations of employment policy (Lucio and Rodríguez, 2014) and industrial news reporting in relation to political-economic changes (Blanco Castilla, 2008) has been conducted. However, in Britain there is a lacuna in cultural studies research of investigations exploring news coverage of industrial relations legislation and legal issues pertaining to the regulation of industrial action. In this broader research setting, this case study contributes to the understanding of media representations of employment law, labour relations, trade unions, and the circulated imagery relating to these topics.

The first section of this paper presents a broad historical overview of industrial relations legislation in the UK, considering the enacted policies in relation to the influential political-economic philosophies of their time, as well as describing the scope of the TUA. The next section discusses some of the core ideas of new liberal and neoliberal theory regarding trade unions, civil rights, and industrial relations. The following parts of this paper detail the methodological approach and define the key concepts employed in this analysis, particularly regarding news media and representation. The ultimate section consists of the analysis of sampled news items published online covering the TUA and the conclusions drawn from the study.

2. The Regulation of Industrial Disputes in the UK: From the Golden Formula to the Trade Union Act

2.1. The Golden Formula, Keynesianism, and Collective *Laissez-Faire*

Historically, the statutory provisions in the British legal framework which permit organisation and participation in industrial action have been framed in terms of immunities from indictment and prosecution, rather than a positive right as such (Dukes, 2010). One of the most influential pieces of legislation in defining the legal parameters of industrial action is the Trade Disputes Act 1906 which “set the frame for the basic shape of British labour law throughout the rest of the twentieth and twenty-first centuries” (Knox, 2017: 97). A key phrase from this Act of Parliament stated that industrial action undertaken “in contemplation or furtherance of a trade dispute” (Simpson, 1983: 486; Knox, 2017: 97) would be “‘immune’ from both criminal liability for conspiracy and civil liability in the economic torts” (Simpson, 1983: 463). This phrase, which appeared previously in the Conspiracy and Protection of Property Act 1875, became widely known as the ‘Golden Formula’ and has been fundamental in establishing “the boundaries within which industrial conflict is legitimate in the eyes of the law” (Simpson, 1983: 463).

Within this juridical framework, there is a broader trend in the first half of the 20th century towards a system whereby trade unions are afforded a degree of legal protection when undertaking industrial action. This pattern is not without exceptions; the 1927 Trades Disputes and Trades Union Act was enacted following the 1926 General Strike and restricted the scope of legal immunities in areas such as picketing and political strikes (Knox, 2017: 97). Nonetheless, the Trades Disputes and Trades Union Act 1927 was repealed in 1946 by the Attlee-led Labour Government, whilst the post-World War II settlement largely clarified and consolidated Golden Formula legal protections (Knox, 2017). Industrial relations in the post-World-War II settlement, operating in the context of Keynesianism and demand-side economics, tended not to be regulated directly through government legislation and statutes. Instead, employer-employee contracts were subjected to a process of collective agreements through trade unions and management. The conditions negotiated in collective agreements were incorporated into individual employment contracts in the industries or workplaces covered by such arrangements. This legal framework has been described as collective *laissez-faire* (Davies, 2004: 4). The theory of collective *laissez-faire* was used both as an ideal to strive towards and as a model to describe the legal structures in the field of industrial relations during the post-World War II period. It holds that direct legal intervention is unnecessary because trade unions could redress power imbalances between workers and employers through having recourse to strike action. Workers' rights gained through collective bargaining arrangements were thought to be more secure than those stipulated in legislative guarantees as they would be more difficult for governments to revoke.

2.2. Neoliberalism, Industrial Relations, and the Trade Union Act (TUA)

The legislative setting of collective *laissez-faire* began to change from the period of the mid 1960s onwards (Simpson, 1983: 464). The Industrial Relations Act 1971 marked an attempt to create a new body of law to manage industrial conflict with more active legal intervention in the workplace, prefiguring some of the reforms enacted in the 1980s under the Thatcher-led Conservative Government (Knox, 2017: 99). However, the pace and scope of legislative change increased markedly from the period of the election of the Conservative Party to government in 1979 (Davies, 2004: 10). In the context of a shift towards neoliberalism and supply side economics, laws offering positive support for collective bargaining were dismantled, whilst there was a concurrent narrowing of the circumstances under which strike action would be protected from liability in tort (Davies, 2004: 12). For example, the provisions in the Employment Protection Act 1975 facilitating trade union recognition with an employer for collective bargaining were abolished in 1980 (Davies, 2004: 12). The Employment Act 1980 “restricted picketing and explicitly removed secondary action from the purview of trade disputes”, whilst the Employment Act 1982 “further narrowed the definition of a trade dispute to one ‘between workers and their employers” (Knox, 2017: 103).

Following the re-election of the Conservative Party to government in 1983, the Trade Union Act 1984 was passed. This stipulated that trade unions ballot their membership before undertaking industrial action (Knox, 2017: 104). Failure to follow this procedure could potentially forfeit the legal protections offered under the Golden Formula, making trade unions vulnerable to prosecution. The Employment Acts of 1988 and 1990 made closed shop¹ arrangements illegal. These changes in the legal framework were codified in the Trade Union and Labour Relations Consolidation Act (TULRCA) 1992. The legal parameters established in the aforementioned acts remained operative throughout successive Labour, Conservative, and Liberal-Conservative coalition governments (Knox, 2017: 104). The Trade Union Act 2016 follows the broader post-1980s trend of narrowing the terms of legal industrial action, furthering restrictions on strikes introduced in the Trade Union Act 1984 and the TULRCA 1992. In particular, the Trade Union Act 2016 introduced extensive balloting procedures that trade unions are required to implement prior to undertaking industrial action.

¹ The closed shop is a workplace arrangement between employees and their employer. Employers agree to only hire and retain in employment workers that are members of the workplace trade union.

2.3. The Trade Union Act 2016

The Trade Union Bill was introduced in July 2015 by the Conservative majority government.² The legislation was passed into law as the Trade Union Act 2016, receiving Royal Assent on the 4th of May 2016. The changes to industrial relations were realised in the context of fiscal consolidation whereby the (then) incumbent government implemented approximately £12 billion of spending cuts, predominantly in the public sector where trade union density is highest (Ford and Novitz, 2015: 2). Some amendments were introduced to the Trade Union Bill during the Committee and Report stages in the House of Lords. Where the Conservative Government sought cross-party support for the remain vote in the referendum on the UK's membership in the European Union (June 2016), it acceded to many of the changes introduced in the Lords (Ford and Novitz, 2016: 8). What follows below is a summary of the TUA and the principal reforms to the industrial relations regulatory framework that it introduced.

One of the core areas of legislative change introduced by the TUA concerns strike balloting thresholds and the processes that trade unions are stipulated to adhere to when undertaking industrial action in order for it to be deemed legal. The requirement for trade unions to organise secret postal ballots prior to striking is contained within legislation enacted between 1980 and 1993, such as the Trade Union Act (1984) and the Employment Act (1988) (Darlington and Dobson, 2015: 4). The TUA amends section 226 of the Trade Union and Labour Relations (Consolidation) Act 1992 (TULRCA), introducing a 50% turnout requirement for ballots conducted prior to taking industrial action (Ford and Novitz, 2016: 10). Any trade union ballot on industrial action that does not involve a participation rate of 50% of its eligible membership will be rendered invalid. In addition to the 50% turnout requirement, the TUA mandates that a further 40% support threshold is needed in a number of industries that are deemed Important Public Services (IPS). This means that for any trade union ballot conducted before industrial action at least 40% of the eligible membership must vote in support of strike action for it to be deemed legal (as well as obtaining a 50% minimum turnout) (Darlington and Dobson, 2015: 5). The industries specified as IPSs include: health services, education up to and including secondary level, fire services, transport services, border security, and nuclear decommissioning.

In addition to ballot voting thresholds, the TUA introduces a number of changes relating to information requirements on industrial action ballots, the expiry of mandates for industrial action, and the period of notice given to employers prior to undertaking industrial action. The TUA states that voting papers used in industrial action ballots will need to provide trade union members with: a summary of the matter in dispute, an outline of the terms negotiated for, the different kinds of proposed industrial action, and the duration of each kind of industrial action (Ford and Novitz, 2015: 12). Furthermore, an expiry period of six months is set on ballots that meet the established criteria for legally conducting industrial action. This may be extended to nine months if both the trade union and employer in question are in mutual agreement. Following a ballot of trade union membership with an outcome in favour of industrial action, trade unions must give employers a two-week standard notice period prior to conducting a strike (Bogg, 2016: 4). This is double the time formerly stipulated in s.234A of the TULRCA.

Another area subject by the TUA to legislative change is picketing. For a picket to be deemed lawful, trade unions will be required to elect one of their members to act as a picket supervisor (Ford and Novitz, 2015: 13). Picket supervisors are required to be present at picket lines, make themselves readily identifiable, and carry a letter stating that the picket is approved by their trade union.

² The key dates of the Trade Union Bill 2015 and its passage into law as the Trade Union Act 2016 are as follows: 15/07/2015 – First reading in Commons, 14/09/2015 – Second reading in Commons, 13/10/2015 – Committee stage, 10/11/2015 – Report stage and third reading in Commons, 11/11/2015 – First reading in Lords, 11/01/2016 – Second reading in Lords, 08/02/2016 – Committee stage, 16/03/2016 – Report stage, 25/04/2016 – Third reading, 27/04/2016 – Consideration of Lords amendments (House of Commons), 03/05/2016 – Consideration of Commons amendments (House of Lords), 04/05/2016 – Royal assent (Bill passed 307 to 268), (UK Parliament (2022) *Trade Union Act 2016* [Online]). Available from: Trade Union Act 2016 Stages - Parliamentary Bills - UK Parliament [accessed 15/01/2022].

Furthermore, picket supervisors must provide law enforcement authorities with their name, contact details, and the location of the picket. The TUA also introduces measures which expand the remit and powers of the Certification Officer (CO): a statutory role responsible for overseeing trade unions and employers' associations, particularly in relation to areas such as annual returns, political funds, and complaints (Bogg, 2016: 27). The TUA awards the CO with a range of investigatory powers in addition to the authority to impose financial penalties on trade unions, prompting concerns of an elision of civil and criminal law (Bogg, 2016: 29). Trade unions are required to provide additional information concerning industrial action and political expenditure in their annual report to the CO.

Other significant changes introduced by the TUA relate to trade union funds and funding. The collection of trade union members' subscription fees through deductions from wages (the 'check-off' system) under an arrangement with an employer is permitted to continue, but with modifications (Ford and Novitz, 2015: 16-17). Common amongst public sector organisations, the check-off system has been altered so that trade unions pay the employer for performing this function and trade union members are provided with alternative means of paying their subscriptions. New trade union members are required to indicate their preference ('opt in') to contribute to union political funds³ when they join, rather than political funds being automatically deducted from their subscriptions until they retract their consent ('opt out').

3. New Liberal and Neoliberal Theory: Trade Unionism, Democracy, and Law

The principal ideas relating to industrial relations as articulated by new liberal and neoliberal theorists (and texts) are briefly outlined in this section. This is followed by an outline of the methodological approach and an analysis of how this imagery manifested in news coverage of the TUA (2016).

As a coherent Liberal persuasion, new liberalism is generally associated with the decades spanning the late-nineteenth and early-twentieth century. During this period, the "ideological dominance of classical liberal values—free trade and limited government—had given way to a pro-collectivist liberal creed embracing the principles of community, rational planning and institutional design" (Turner, 2007: 67). As such, new liberalism formed a more interventionist variant of liberalism, promulgated by figures such as T.H. Green, L.T. Hobhouse and J.A. Hobson in Britain (Turner, 2007: 70). Regarding trade unions, some of its predominant shared assumptions were that they constituted a part of civil society and provided a welfare function that embodied "working class thrift and collective self-help" (Thompson, 2011: 30). An image of trade unions emerged which presented them as "valued as expressions of the associational spirit" and a pluralist counterforce to monopolising tendencies, operating in a voluntarist system of industrial relations (Thompson, 2011: 30). The voluntarist system of industrial relations was conceived as centring on processes of collective bargaining between associations of workers and employers (Thompson, 2011: 30). Notions of rights also feature heavily in new liberal theory. The conduct of a number of "employers, judges and Conservative governments since the 1890s" was interpreted as "a backlash against trade unions" that attempted to "deprive them of the collective rights recognised by the Liberal, or Liberal-inspired, legislation" (Thompson, 2011: 30-31).

In contrast, neoliberal theorists sought to challenge "a deep-rooted assumption within British political culture", originating from "the Victorian consensus on industrial relations", that "trade unions were legitimate and, within certain constraints, socially beneficial institutions" (Jackson, 2011: 20). Neoliberal theory is usually traced back to the decades of the 1930-40s, when it formed a nascent movement critiquing the collectivist economic tendencies present in both earlier liberal thought and the broader policies enacted at the time (Jackson, 2011; Turner, 2007; Turner, 2008). Several prominent themes are evident in the neoliberal critique of trade unions and their prior depiction in new liberal theory. Rather than constituting a part of civil society collectively benefitting working class strata, trade unions are portrayed as representing sectional or "narrow interest groups" (Knox, 2017: 102). Theorists such as Hutt and Simons presented an image of trade unions

³ A trade union's political fund is the money deriving from members' subscription fees designated for political campaigns or donation to political parties.

whereby they are “formed by particular groups of workers in order to exclude other workers from their trades”, benefiting “their own sectional interests by acquiring higher wages relative to other workers” (Jackson, 2011: 6). Under this conceptualisation, trade unions “could not be justified on the grounds that they raised the wages of labour at the expense of capital” nor could they be thought to benefit working classes collectively (Jackson, 2011: 6). Contrasting with the new liberal idea of trade unions as a pluralist counterforce to economic monopolies, neoliberal theorists also portray trade unions as detrimental to consumer interests by facilitating “collusion between certain groups of employers and workers– bilateral monopoly” which drives up prices (Jackson, 2011: 6).

From the core texts of neoliberal theorists, such as F.A. Hayek, Milton Friedman, and James Buchanan, a number of shared presuppositions are discernible which outline an ideal type of state and constitutional order (Turner, 2008: 47). Located at “the heart of neo-liberalism’s conception of constitutionalism is its interpretation of the rule of law” (Turner, 2008: 47). Drawing from concepts deriving from English common law, the ancient Roman law tradition, the early American constitution, and the German liberal *Rechtsstaat*, the neoliberal conception of the rule of law “represents the fundamental fixed rules that stand over and above the political community” (Turner, 2008: 47) functioning as “a legal system based upon economic freedom” and a “systematic legal framework of rules that exist prior to the state” (Turner, 2008: 50). This legal framework is portrayed as protecting against majoritarian democracy or popular sovereignty, which conflates law with the will of the sovereign majority. In effect, popular sovereignty is depicted as compelling holders of discretionary powers to use them to favour particular groups that exercise influence through swing votes, something which “applies as equally to organisations like trade unions as it does central government” (Turner, 2008: 51). The following table summarises the principal conceptions of trade unionism as depicted in each branch of liberalism.

Table 1. New Liberal and Neoliberal Conceptions of Trade Unionism

New Liberalism	Neoliberalism
Trade unions constitute a component of civil society	Trade unions operate outside of civil society and the law
The right to strike and the freedom of association are integral constituents of political democracy	Trade union practices and strikes are undemocratic and antithetical to the processes of political democracy
Trade unions encourage civic participation and are a mechanism for encouraging political participation	Trade unions represent sectional interests and are inimical to the rights of other social groups

Source: Author’s Elaboration

4. Representation, Digital Media, and Conceptual-Methodological Approach

The following subsections detail how news media platforms are conceptualised for the purposes of this study. An overview of the broadcasting landscape and its historical formation in Britain is presented, focusing on the news media outlets that were selected for this investigation. The methods applied to sampling and analysis are also discussed.

4.1. Discursive Hegemony: Media Constructed Perspectives

Contemporary news media, particularly those with established online platforms, play a fundamental role in the co-construction of forms of perceiving events and consideration of complex social issues. In relation to contested issues, such as industrial relations, news media representations can be conceptualised as a terrain of disputed social meanings where a “hegemony of what can be said and thought” is delineated (Angenot, 2012), establishing of the semiotic contours that shape how each historical context conceives certain issues. As such, mass circulation news

platforms are core actors in the configuration of widely distributed imagery during moments of discord (Borrat, 1989). For this reason, media representations are here conceptualised as sets of social and historical discourses traversed by operations of selection, appropriation, and synthesis and are anchored in structures of meaning that correspond to social imaginaries (Rodríguez, 2014). Such forms of representation can give prominence to a particular framing of reality over others and accentuate (or reduce the visibility of) certain aspects, encouraging a type of “privileged reading” (Hall, 1981) of news coverage.

4.2. News Media Systems in the UK

The British press has historically been characterized by a strong market orientation and a structure of external diversity (Curran, 2011: 29), emphasising pluralism of content between, rather than within, news outlets. In practice this has meant that the different press news sources have tended to align with markedly different political interests and perspectives. The Guardian newspaper, founded in 1821 as *The Manchester Guardian*, was associated with classical liberalism (Islentyeva, 2021) advocating civil liberties and *laissez faire* economics. Following the Second World War, The Guardian has variously supported the Labour Party, the Liberal Democrats, and their coalition (such as in 1945 and 2005) during elections (Islentyeva, 2021). In contrast, *The Daily Mail*, launched in 1896, has supported the Conservative Party in every general election since the Second World War and in the 2015 general election supported the UK Independence Party in some constituencies (Islentyeva, 2021). As such, the selection of news articles from *The Daily Mail* and *The Guardian* produced a sample that extends over a broader range of political-economic perspectives.

In contrast to the more market-oriented approach of the British press, radio and television broadcasting in the UK was started as a public service. The concept of public service broadcasting retains a broad appeal and remains “a major feature of the media scene in Britain” (Leys, 2001: 110). In practice, this conception of broadcasting journalism is manifest in the British Broadcasting Corporation (BBC). Founded in the 1920s, the BBC was (and largely remains) a public monopoly funded by its audience in the form of a license fee. It is thus free at the point of reception and available throughout the country, with an institutional ethos “consciously articulated, of promoting a sense of Britishness and national community, while educating, informing and entertaining” (McNair, 2009: 82).

Commercial broadcasting in the UK began in 1955 in the form of the Independent Television (ITV) channel, a network of regionally based television companies that generate revenue through the sale of advertising time (McNair, 2009: 83). Initially, the public service principals that regulated the BBC were applied to ITV’s news production company: Independent Television News (ITN). ITN programming was required to be impartial; the company itself was owned by the regional companies that comprised ITV and ran as a not-for-profit institution (McNair, 2009: 116). This aspect of television news broadcasting became less pronounced around the 1980s (Curran and Seaton, 2010: 303) as is evident in the 1977 Annan Report.

By 1989 satellite transmissions were able to be broadcast directly into homes and in the 1990s developments in the provision of news media included increased digitalisation and the establishment of twenty-four-hour news broadcasters: Sky News in 1989 and BBC News 24 in 1997 (Harrison, 2006: 58). Sky News was Britain’s first domestically produced twenty-four-hour news service and is one of only three news producing companies in the UK: BBC and ITN being the other two producers (Select Committee on Communications, 2008: 23; McNair, 2009: 1). At first, Sky News was modelled on the format of the US rolling news channel CNN. The rolling news broadcaster has been shown to operate with markedly fewer specialist correspondents than the BBC which has led to Sky News being described as “tabloid” (Cushion, 2010: 117). Nevertheless, the historical influence of public service broadcasting values in British news provision has impacted Sky News. This effect is evident when contrasting News International’s British and US news operations: Sky News and Fox News, respectively. Sky News, although a “market-driven news channel”, has resisted “pressure to conform to the more US-style of Fox News” because of the “UK’s strict regulatory guidelines” and the “culture of journalists who want to report accurately and impartially” (Cushion, 2019: 29). In contrast,

“Fox’s partisan approach to news reporting has proven highly successful” in the US and has “been emulated by other US news channels such as MSNBC” (Cushion, 2019: 29).

4.3. Methodological Approach: Sampling Digital News Media Articles

The decision to focus on online news platforms stems from the sustained growth of the internet as a medium for distributing information. In 2016, 48% of adults said that they used the internet to access news material: an increase from 41% in 2015 (Ofcom, 2016: 34). Content from the online news platforms of *The Guardian*, *The Daily Mail*, Sky News, and BBC News constituted the research sample (13 from *The Guardian*, seven from *The Daily Mail*, five from Sky News, and five from BBC News). These websites were selected on the basis of viewing figures: the platforms most frequently visited with the largest audience shares were selected for this study.

News articles from Sky News and *The Guardian* were included in the study as these were the most frequently accessed news websites in 2016 after the BBC. The BBC News website was used by 56% of those surveyed, followed by Sky News at 15% and *The Guardian* at 9% (Ofcom, 2016: 38). The BBC News website, accessed by 86% of the total digital audience in 2017, was followed by *The Mail Online / The Daily Mail*, viewed by 68% of the total digital audience (Ofcom, 2016: 34).

The digital news articles were collected through a mixture of the search engine and news aggregator website Google and by using the search tools provided on the websites of the selected news media platforms. The reason for taking this approach is that the algorithms used by Google and the internal search engines of the news websites differ; using both was a strategy to maximize the number of articles returned in the generation of search results. The key terms used in each of the search engines were ‘Trade Union Bill’ and ‘Trade Union Act’ as this is what the labour legislation was termed before, during, and after its passage through the two Chambers of Parliament.

The sample of collected news articles covers the period of the 27th of May 2015 to the 4th of May 2016. These dates were chosen as they extend over the length of time that the legislation took to come into effect: from the announcement of the labour reforms in the Queen’s Speech to Royal Assent of the legislation on the 4th of May 2016. An additional filter applied to the sample consisted of selecting the online news material that coincided with the principal parliamentary stages in the formulation and revision of the legislation. This facilitated a comparative analysis of news frames across different phases of the legislative process and periods of media coverage. As such, news articles coterminous with the following parliamentary stages were selected: Queen’s Speech, first reading in Commons, second reading in Commons, second reading in Lords, Committee Stage, Report Stage, third reading in Commons, consideration of Lords amendments (House of Commons), and consideration of Commons amendments (House of Lords). For sampling purposes, coterminous news articles were defined as those published approximately within a one-month period subsequent to a particular legislative stage. The total sample size following this procedure was 30 news articles.

The online news media articles that constitute the sample were the results generated by the search engines used in this study and that fit the selected timeframe. Some of the hyperlinks to news articles returned by the search engines had expired or no longer functioned at the time of data collection. For this reason, the sample used in this study should not be considered an exhaustive list of all news articles published online by the selected news platforms. In addition to audience viewing figures, the range of political perspectives was also a consideration in the selection of online news media sources.

A qualitative analysis adopting a social semiotic perspective was applied to the sampled news reports, centring on the analysis of discursive tensions and social meanings assigned to events and actors on the media surface (Verón, 1987). As such, the intention of the analysis was to identify the recurrent semantic features that structured the framing of media representations, focusing on connotative and metaphorical meanings as well as the denotative aspects of reporting. The recursive semiotic components of each article were identified and tabulated; from this data, broader themes were traced. An iterative approach was taken whereby three analytical classifications forming the axes of the investigation were constructed from the determined themes: (1) Law,

Order, and Democracy, (2) Civil Liberties and Workers' Rights, (3) Militarism and Unmerited Privilege. These were subsequently analysed in relation to the imagery and concepts that constitute new liberalism and neoliberalism as identified in the literature.

5. News Media Representations of Trade Unions and the TUA

The findings from the analysis and the conclusions drawn from them are presented in the section and subsections that follow. These are structured on the thematic axes used to classify the sampled news articles: Democracy, Law and Order; Civil and Labour Rights; Military Metaphors, Privileges and Trade Unions.

5.1. Democracy, Rights, and the Rule of Law

Analysis of the digital news texts reveals a number of recurrent discursive themes. These leitmotifs concern various counterposed conceptualisations of trade unions, law, and legislation associated with different liberal conceptions of these issues. Much of the dominant imagery and concepts that constitute these tropes relate to two principle and (in Britain) historically influential schools of liberal thought: new liberalism and neoliberalism. Evident too is a reconstitution of older liberal notions into novel forms.

A discernible thread in the sampled news media discourses covering the TUA concerns themes of law, order, and democracy. Paralleling neoliberal concepts of trade unions representing sectional interests, being inimical to consumer rights, and operating outside of civil society and the law, there was a tendency to frame industrial action and trade union activity as potentially unlawful. Relating to this is an associated news frame which contrasts the actions of trade unions with the interests of workers, employers, and service users. A clampdown / crackdown trope was used as a framing device to consolidate this imagery: the terms clampdown and crackdown connoting illegal and illicit behaviour which requires restriction by public (or other sanctioned) authorities. The following extract is taken from the headlines of a Sky News article (Sky News, 27/05/2015). The news report follows from the first reading of the proposed legislation in the House of Commons on the 15/07/2015 and covers the amendments to trade union voting thresholds necessary to legally initiate a strike:

(Sky News, 27/05/2015)

Unions Warn Government Over Strike Clampdown.

David Cameron is accused of 'trying to smash the trade unions' as he announces tough new plans to crack down on strike action.

Trade Union leaders have lined up to warn they will resist a Government clampdown on strikes under which walkouts will only be possible if 50% of members vote.

The terms clampdown and crack down ("Strike Clampdown", "crack down on strike action", "clampdown on strikes") are repeated in each line of the news headline text. Such terminology is frequently used in the context of law and order discussions, where the word clampdown is associated with efforts by law enforcement institutions to restrict illegal activity. Where these terms are recontextualized in the news report, similar connotations are transferred across. This frames coverage of the amendments to the voting thresholds as a legitimate state intervention to curtail an unlawful action (striking).

A Sky News article (Sky News, 15/09/2015), published online the day after the second reading of the Bill in the House of Commons (14/09/2015), demonstrates how this news frame manifested throughout the period of coverage. The news article covers trade union responses to the legislative changes at a Trade Union Congress (TUC) conference:

(Sky News, 15/09/2015)

Strike Action Threat Over Trade Union Reforms

Unions vow to use 'any means necessary' to defend workers in the face of plans to crackdown on strike ballots and union funding.

Senior union leaders have pledged to break the law and lead strikes and other disruption in defiance of the Government's new Trade Union Bill.

Similar themes of law and order and the crackdown trope ("plans to crackdown on strike ballots and union funding") are apparent in the news headline and introductory text. Where the term crackdown is used in relation to trade union strike ballots and union funding, its associated connotations of illegality imply an unlawfulness connected to these activities. The inserted quotation ("any means necessary") further suggests potentially illegal trade union actions through the use of the term 'any' as a determiner, indicating the inclusion of all measures irrespective of their legality. The news frame of trade union illegality is upheld in the following line of text by the idiomatic phrase "to break the law", meaning to act in a manner contrary to the law, in relation to the referenced industrial action. This news frame represents trade unions as operating at the margins of the law, similar to the image of trade unions presented in neoliberal theory (outlined above).

The following extract is from a *Guardian* news article (*The Guardian*, 15/07/2015) published online after the first reading of the proposed legislation in the House of Commons on the 15/07/2015. The citations included in the article from the (then) Secretary of State for Business, Innovation and Skills Sajid Javid demonstrate how the government of the time communicated an image of trade unions resembling neoliberal industrial relations concepts: protecting sectional interests, contrary to the rights of other social groups, and posing a challenge to political democracy. The news article reports the proposed legislative changes to picketing, striking, and funding of the Labour Party:

(*The Guardian*, 15/07/2015)

Javid said: 'Trade unions have a constructive role to play in representing their members' interests but our one-nation government will balance their rights with those of working people and business'.

'These changes are being introduced so that strikes only happen when a clear majority of those entitled to vote have done so and all other possibilities have been explored'.

'This will deliver a key commitment we made in our manifesto'.

Sajid Javid's comments present a false dichotomy. An image of trade unions is communicated whereby their beneficiaries are portrayed as their members ("Trade unions have a constructive role to play in representing their members' interests") whose rights are at variance with those of other workers and business, hence requiring a balance of interests ("balance their rights with those of working people and business"). The reference to One Nation Toryism ("our one-nation government") alludes to a historical "strand in the Conservative Party", attributed to Benjamin Disraeli (1804-1881), "which envisaged that paternalistic policies towards the labouring masses would be reciprocated by widespread support for the established order" (Dorey, 1995: 12). The connotations of *noblesse oblige* associated with One Nation Toryism is here used to present an image of the government as moderate and the legislative changes as a proportionate balancing of rights and interests.

In the final lines of text, a contrast is presented between the industrial action procedures of trade union members and the actions of the government. By representing the legislative changes as a measure to promote higher voter turnouts at trade union ballots ("strikes only happen when a clear majority of those entitled to vote have done so") and to extend conciliation procedures ("all other possibilities have been explored"), the implication is that trade union practices are undemocratic. Conversely, the government's modifications to industrial relations law are depicted as effecting an electoral manifesto commitment ("This will deliver a key commitment we made in our manifesto"), representing the changes as democratically sanctioned.

5.2. Civil Liberties, Human Rights, and Worker's Rights

Associated with the broader thread of law, order, and democracy, a parallel theme in the sampled news media articles represents the legislative changes as a restriction of civil liberties and a limiting of rights. As such, this news frame corresponds to new liberal notions of trade unions constituting a component of civil society: the right to strike and the freedom of association being

constituents of democracy. This leitmotif tended to appear more frequently in news articles critical of the government's amendments to industrial relations law.

The following extract is taken from a *Guardian* article (*The Guardian*, 16/09/2015) published after the legislation had received a second reading in the House of Commons. The article discusses the proposed changes to industrial relations law:

(*The Guardian*, 16/09/2015, headline)

This sinister Trade Union Bill is an assault on the rights of working people. The planned act will drastically curb union activity and puts both civil rights and industrial relations at risk. Why would any government do that?

The first line of text uses terminology with connotations of militarism ("an assault on") and denotations of threat ("sinister Trade Union Bill") to frame the new legislation as negatively affecting workers' rights. The second line of text lexically broadens the sphere of rights that are represented as being restricted ("puts both civil rights and industrial relations at risk"), whilst the hypothetical question at the end of the headline ("Why would any government do that?") is used to convey a sense of irrationality associated with the legislation. In the headline, the themes of restricting liberties, worker's rights, civil rights, and workers' associations as part of an industrial relations system resembles new liberal concepts of trade unionism.

Similar themes are evident in a *Guardian* news article (*The Guardian*, 02/05/2016) that was published online just prior to consideration of the amendments made to the Trade Union Bill in the House of Lords (03/05/2016), as well as the date that the legislation come into effect (Royal Assent: 04/05/2016):

(*The Guardian*, 02/05/2016)

There is no justification for it [the Trade Union Bill] beyond a partisan desire to weaken trade unions, and indirectly to weaken the Labour party, to the point where it becomes almost impossible for workers to defend their rights.

Similar to the previously cited *Guardian* article (*The Guardian*, 16/09/2015), the text frames the legislative changes contained in the Trade Union Bill as a curtailment of workers' rights ("it becomes almost impossible for workers to defend their rights"). Further into the article, in a section discussing amendments made to the Trade Union Bill, the focus is extended from workers' rights to trade unions and civil rights:

(*The Guardian*, 02/05/2016)

As early as January, concessions were being trailed to a cross-party coalition of peers, some of whom held no brief for trade unions except as an important part of civil society.

In the final sections of the news article, the broader theme of rights is continued but recontextualized to depict trade unions as a component of democratic processes and a mechanism for encouraging political participation:

(*The Guardian*, 02/05/2016)

This alliance of the unelected [peers in the House of Lords] has fought hard but with only partial success to preserve the trade unions' role in the processes of democracy.

Trade unions do not just protect and promote rights at work, but in an increasingly disconnected world offer a route into political engagement.

In this way, themes of liberty, workers' rights, civil rights, and trade unions as an integral component of democracy constitute the basis of many news articles' arguments against the changes to industrial relations legislation.

As the extracts in the above sections demonstrate, the sampled news discourse manifested various competing conceptions of rights, law, and democracy, many of them resembling conceptions originating in new liberal and neoliberal philosophy. Research suggests that these categories form key ideological markers in broader industrial relations and political discourse. For example, Steber's (2018: 60) study indicates that the 1984-85 Miner's Strike was a pivotal moment for

“shaping the political language employed in public discourse and hence in defining the categories in which people would conceive of the political world”. Steber (2018: 65) argues that during the Miner’s Strike, the Thatcher government was able to propagate an idea of nationhood whereby: “The love of ‘law and order’, the peaceful conduct of industrial conflict” are “part and parcel of the national tradition, and the Conservative government” is “accordingly depicted as the defender of this genuinely British tradition of lawfulness”. Accordingly, this narrative framed the Nation Union of Miners (NUM) as antagonists of the British democratic tradition through which:

The trade unions’ demand for power would undermine the delicate institutional structure of British democracy. By putting themselves above the law, they would reject the universal principle of the rule of law, constitutive for any democratic form of statehood, and by not complying to the constitutional rules they would undermine the legitimacy of a democratically elected government (Steber, 2018: 68)

In addition to the themes of law and order, a number of other recurrent motifs are evident in the sampled news texts. These concern the use of military metaphors and figurative expressions relating to feudal and hereditary privilege.

5.3. Military Metaphors and Tropes of Feudal Privilege

Two further tropes are discernible in the sampled news media texts. The first of these corresponds to anti-feudal and modernising themes associated with liberalism generally (Heywood, 2017: 25) and the anti-trade union position of neoliberalism specifically. This particular framing device portrays trade union general secretaries as unelected aristocrats. The imagery appeared more frequently in news articles that reported the government’s legislative changes from an approving perspective, often manifesting in texts produced by *Daily Mail* authors. The second trope in the sampled news texts concerns militaristic metaphors. Use of this figurative imagery is not restricted to news outlets of any particular political persuasion, appearing regularly across the period of sampling.

The following example is from a *Daily Mail* article (*The Daily Mail*, 15/09/2015) published online the day after the Trade Union Bill received its second reading in the House of Commons (14/09/2015). The article covers the response to the government’s legislation at the TUC annual conference:

(*The Daily Mail*, 15/09/2015)

Britain’s trades unions have voted to hold a national day of action against government plans to clamp down on strikes.

The annual TUC Congress backed a co-ordinated protest across the country against the Trade Union Bill, amid claims ministers had made a ‘declaration of war’ against workers.

It falls short of a national strike demanded by some hardline union barons but will include marches, industrial action and legal challenges.

In the first line of text, the clampdown trope (see above) is used to connote a sense of illegality with strikes (“government plans to clamp down on strikes”). The inserted quotation in the second line (a ‘declaration of war’ against workers) uses martial terms to refer to industrial relations. The final line of text refers to trade union general secretaries as barons (“some hardline union barons”), the lowest rank of peerage in the British nobility. By framing trade union general secretaries as aristocrats, their positions are represented as undemocratic and carrying an unearned privilege. In this way, earlier liberal anti-monarchical notions are reformulated to depict trade unions as part of the *ancien regime*, symbolically disassociating trade unionism with democracy and modernity.

Samuel’s article (1992) on the use of Victorian Values as a rhetorical device exploited by the 1979-90s Conservative administrations, in particular by Margaret Thatcher, observes a similar use of figurative imagery in this period. Samuel (Samuel, 1992: 24-25) notes that Thatcher’s speeches often portrayed “not capital but labour” as “the fetter on the forces of production, the feudal integument which had to be broken”. According to this representation, “trade unions, with their privileged immunities, and oligarchic government” were “strangling innovation”, whilst their “leaders were accused of being overmighty ‘barons’, holding the country to ransom” (Samuel, 1992: 24-25).

Other research suggests that similar imagery appeared in the works of earlier neoliberal theorists. Considering two influential texts written by W.H. Hutt (1930) and Henry Simons (1944), respectively, Jackson (2011: 6-7) observes that both authors referred to trade unions as an aristocracy of labour, whilst the “use of metaphors comparing unionism to legalised piracy and banditry were widespread in both these texts”. Perhaps significantly, Hutt’s text was reissued in 1975 by the Institute of Economic Affairs (IEA) in Britain, a think tank promoting *laissez faire* approaches and economic liberalism (Jackson, 2011: 4). The title itself of one of Hayek’s most influential texts (Hayek, 1944), *The Road to Serfdom*, arguably follows this theme.

The following extract is from a Sky News article (06/08/2015). The news report discusses the government’s legislative changes in relation to a strike initiated by London Underground workers. The industrial action was organised by the National Union of Rail, Maritime and Transport Workers (RMT) trade union:

(Sky News, 06/08/2015)

Government Goes To War With Trade Unions

As Tube workers go on strike, the Government continues its war with unions introducing the latest in a number of tough measures.

Changing an out-dated system or the biggest assault on trade union laws since Thatcher?

Today, the battle lines are drawn as London Underground workers stage another strike, disrupting transport across the capital over pay and conditions.

Similar to the above *Daily Mail* article (*The Daily Mail*, 15/09/2015), militaristic metaphors are used in relation to industrial relations (“Government Goes To War”, “Government continues its war with unions”, “the biggest assault on trade union laws”, “the battle lines are drawn”) only in this article they are more frequent.

A similar use of figurative language is evident in a *Guardian* article (*The Guardian*, 02/05/2016) published online the day before the amendments made to the Trade Union Bill in the House of Lords were considered (03/05/2016). The article discusses the changes introduced by the Trade Union Bill:

(*The Guardian*, 02/05/2016)

Trade unions do not just protect and promote rights at work, but in an increasingly disconnected world offer a route into political engagement. In the absence of a negotiated agreement on party funding, their contribution to Labour funds is essential if there is to be anything like equality of arms between the two major parties.

The above *Guardian* article (*The Guardian*, 02/05/2016), authored from a perspective critical of the legislative changes and discussing the role of trade unions in the political process, contains similar military metaphors in the text (“equality of arms between the two major parties”). Previous linguistics and cultural studies research (Hart, 2017; Hay, 1996) into news media coverage of industrial disputes has also noted the use of figurative imagery with militaristic connotations. Hart’s study (2017: 21) into news coverage of the 1984-85 Miner’s Strike in Britain by eight national newspapers concludes that “Framing the strike as a war (...) results in particular metaphorical entailments which serve to delegitimize the NUM [National Union of Miners] and the striking miners while legitimizing the Government and the police”. This is said to result from the war news frame evoking imagery which “entails an opposition between two sides, one of whom is seen as ‘the enemy’”, whilst reducing “a complex situation to a simple scenario with a restricted set of goals and outcomes” (Hart, 2017: 21-22).

Hay’s research (1996) concentrates on the Winter of Discontent: a media construct used in reference to a number of coordinated walkouts by workers between 1978-79 against the then Labour Government’s incomes policy. The Winter of Discontent representation of striking workers and trade unions came to symbolise the end of Keynesianism and the post-war consensus, becoming a “key phrase in contemporary British politics and journalism” (Lenormand, 2009: 120). Hay (1996: 272) observes that this representational construct included “the use of a military

metaphor to distance the reader from identification with the actions of strikers while confirming the sense of challenge to the authority of the state”.

In the context of the sampled news media articles reporting the TUA, various counterposed conceptions of rights, law, and democracy are apparent in the discourse, as is the use of militaristic metaphors and tropes of feudalism. The implications of these news frames are considered in the following conclusions chapter.

6. Conclusions

Analysis of the sampled digital news media articles demonstrates how the frames of reference, terminology, and concepts present in the discourse resemble notions found in two influential paradigms of liberal thought: new liberalism and neoliberalism. In terms of frequency, news imagery paralleling neoliberal conceptualisations of trade unions and industrial relations law predominate the sample. This discursive framework includes recontextualised law and order terminology, such as the terms ‘clampdown’ and ‘crackdown’, which frames trade unions as questionable legal subjects. This representational structure also features tropes of feudal privilege. This figurative imagery reconfigures earlier liberal anti-monarchical notions, depicting trade union general secretaries as patricians, whilst symbolically rendering trade unions as antidemocratic and anachronistic entities. Similar feudal tropes have been observed in the context of British political discourse (Samuel, 1992) and the works of neoliberal theorists (Jackson, 2011). Appearing in fewer instances is a representational framework utilising concepts and terms that resemble new liberal perspectives. This imagery manifested more frequently in news articles critical of the TUA and included recurrent themes of civil liberties, workers’ rights, and trade unions as a core constituent of a democratic polity.

To the extent that broader inferences can be drawn from the comparatively small sample of news media articles, one observation that can be made is that although news coverage includes reports in favour of and against the TUA, conceptually this discussion operates largely within the parameters of two branches of one overarching ideology (liberalism). As such, the sampled news media texts offer a fairly limited spectrum of perspectives concerning the legislative changes. A particularly prominent absence in the news media articles is the omission of Keynesian / social democratic positions. This may reflect a broader deficiency in the structural pluralist model of the British press: social democratic news outlets have historically been affected by difficulties in attracting sufficient advertising revenue to operate a viable enterprise (Curran and Seaton, 2010). For instance, following a number of structural reforms and a redistribution of advertising revenue in the 1950s, a significant number of newspapers (such as the *Daily Herald*, *News Chronicle*, and the *Sunday Citizen*) orientated towards a more working-class readership and covering events from a social democratic perspective folded (Curran and Seaton, 2010: 84).

The principal contribution of this study is to facilitate understanding of representations of employment law, labour relations, and trade unions, exploring the ideological contours of news media articles covering the TUA. This type of analysis contributes to the mapping of the discursive mechanisms used by news media to construct and circulate particular representational constructs concerning trade unions and industrial action in contemporary society. Further research would be required to determine whether the findings of this study are applicable to other forms of news media and / or industrial news reporting more generally.

7. Bibliography

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