

UK Conservatives' Trade Union bill criminalises strikes and protests

Michael Barnes
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On Monday, Britain's Parliament passed the second reading of the Conservatives' draconian, anti-strike Trade Union Bill. It passed by 33 votes, with the Labour Party, under new leader Jeremy Corbyn, voting in opposition.

The bill is sponsored by former senior banker and Business Minister Sajid Javid. It criminalises industrial and political activity by the working class.

A number of the repressive measures contained in the Bill have only previously been enacted under dictatorial regimes. Referring to part of the legislation requiring pickets to give their names to the police force, David Davis, a Conservative former shadow home secretary, said it resembled laws enforced under the Spanish military dictator General Franco.

Ballot paper requirements will be far stricter under the Bill and must include "each type of industrial action" that is "expected to take place." If these requirements are not met, the ballot will be declared illegal.

A strike vote will be declared illegal if fewer than 50 percent of union members vote in a postal ballot. For millions of workers employed in "important public services", an additional threshold of 40 percent of support to take industrial action from all eligible members must be met for action to be legal. These services include millions employed in health care, education of those aged under 17, fire services, transport services, decommissioning of nuclear installations and management of radioactive waste and spent fuel, and border security.

If a ballot overcomes these restrictions, the Bill extends from seven days to 14 days the notification period for the commencement of industrial action, so as to enable employers to prepare strikebreaking operations.

Unions will be forced to "appoint" a picket supervisor who "must wear a badge, armband or other item that readily identifies the picket supervisor..." Their role is "tell the police—(a) the picket supervisor's name; (b) where the picketing will be taking place; (c) how to contact the picket supervisor. (5) The union must provide the picket supervisor with a letter stating that he or she is authorised by the union to act as such. (6) The picket supervisor must show the letter of authorisation—(a) to any constable who asks to see it; (b) to any other person who reasonably asks to see it. (7)"

Consultation has been sought to gain "evidence" on whether there are other issues "that should be legally enforceable, with one proposal being that *every* person on a picket line be subject to the above treatment.

The government's Certification Officer (CO), responsible for statutory functions relating to trade unions, will be given expanded investigatory powers, including the power to launch investigations into breaches of the anti-union laws even where no "complaint" has been made.

The CO can require any "section of a trade union" to "produce immediately... such relevant documents as that person specifies." Specified documents cited may include "the register of the names and addresses of the union's members" that could be used for "investigation of crime or criminal proceedings."

For breaches, the CO can impose a £20,000 penalty on individuals and other "financial penalties for late payment."

Further measures being considered are removing "restrictions banning employers from hiring agency staff to provide essential cover during strikes."

The consultation paper, "Tackling intimidation of non-striking workers" states, "We are interested in views on

the case for a new criminal offence of intimidation on the picket line...”

If trade unions that do not comply with the legislation, “employers will be able to apply to the courts for an injunction and seek damages.” This will make it “more likely that a court will grant an injunction to prevent the picket, or the court will impose conditions before allowing the picketing to continue.”

The consultation also broaches the criminalisation of protests associated with a strike, stating, “The wider concern underpinning this consultation is that industrial disputes are increasingly delivered through methods that go well beyond the traditional picket...”

The paper complains that at present, “Any form of demonstration in relation to an industrial dispute that takes place away from the workplace, is classified as a protest...”

The Tories plan to criminalise such public protests, protests at managers’ residences, and protests by “other organisations/third parties that appear sometimes only loosely connected with the trade dispute,” and involve “other people who have no direct connection with the trade dispute.”

The Bill proposes “requiring” unions to give details of their “picketing and protesting strategy” to employers, the police and the CO. If a trade union deviates from its published strategy and does not inform the employer/CO/police of any changes, it could lead to “civil action for nuisance or trespass.”

The consultation even states that unions must be compelled to specify whether they will be using “social media, specifically Facebook, Twitter, blogs, setting up websites and what those blogs and websites will set out...” Unions would have to declare any messages they will post on Twitter or Facebook two weeks in advance.

The consultation proposes that unions’ current annual reports to the CO must contain the names of anyone arrested or involved in “intimidatory” or “unlawful behaviour.”

Also under consideration is the application of “anti-social behaviour” punishment for strikers “such as Community Protection Notices,” while seeking the “efficacy” of using current criminal and civil laws “more effectively” against strikes.

During this week’s Trades Union Congress (TUC),

several high ranking union officials made statements opposing the laws outlined in the Bill, with one of them, the recently knighted Sir Paul Kenny, stating he would go to prison if necessary.

However, it is the decades-long capitulation of these organisations, including their acceptance of every piece of anti-trade union legislation since the early 1980s, which has emboldened the Conservative government to bring in these draconian measures.

To date, opposition to the Bill has been restricted to what is now the TUC’s single annual protest, which is taking place this year outside the Conservative Party conference on October 4. On Tuesday, it finally felt obliged to announce that a non-specific “day of action” would be held.

Speaking in the parliamentary debate, Angela Eagle, Labour’s Shadow Business Secretary appointed by Corbyn, stated that instead of “attacking trade unions”, the government should be “working with them in the spirit of social partnership to improve economic efficiency and productivity in our country.”

The major concern of the union bureaucracy and the more astute among the ruling elite is that the outlawing of strikes, currently organised through the trusted traditional methods, will result in struggles taking place outside the stranglehold of the unions. Just prior to the Bill’s reading, TUC General Secretary Frances O’Grady endorsed the position of Acas (Advisory, Conciliation and Arbitration Service), saying they had “pointed out the danger that if you suppress that right for people who feel they are being unfairly treated at work to democratically take strike action, then people will find other ways to express that discontent.”

Labour’s Geraint Davies also warned that the Bill “will get people on the streets and force conflict.”

The *Financial Times* concurred, editorialising that Britain “does not have a problem with strikes... Squeezing the unions as hard as this could end up producing greater levels of disruption.”



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