

# Protect the right to strike

*The TUC campaign against the trade union bill*

## Section One

# Introduction

### A message from the TUC General Secretary

Trade unions play a vital role in representing millions of workers across the country and making sure they are treated fairly at work.

Collective bargaining is at the heart of winning a better deal for workers. It works because employers and employees both have some power. Part of that balance is that workers can take industrial action.

But the proposals in the trade union bill undermine the right to strike. They'll mean that agency workers can be used to break strikes. They will bring in huge amounts of red tape and restrictions on picketing and protests – like having to tell your employer what you'll post on Facebook two weeks in advance, or whether you intend to carry a banner or use a loudspeaker.

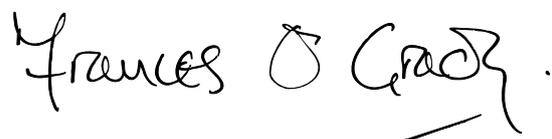
No-one takes the difficult decision to go on strike lightly. Most disputes end with a negotiated agreement, but the right to strike has to be there in order to bring employers to the table.

And as well as the threat to the right to strike, the government is also undermining trade unions' ability to go about their everyday business representing workers. They have proposed lots of new restrictions on how unions work, how they are regulated and how they spend their money.

The trade union bill is unfair, unnecessary and undemocratic.

Join me in making workers' voices heard. Together we can make the government rethink their plans and protect the right to strike.

I'm looking forward to seeing you in Manchester at the march on Conservative party conference on Sunday 4 October, and at the national lobby and rally against the trade union bill on Monday 2 November in London.



**Frances O'Grady**  
**General Secretary, TUC**

## Section Two

# More details on the government's proposals

## Agency workers

The government plans to allow agency workers to replace striking workers. And by requiring 14 days' notice of strike action (rather than 7 as at present), employers will have more time to arrange agency workers to cover for strikes.

This has been banned in the UK since 1973.

### What are our concerns?

- This fundamentally undermines the right to strike, as it reduces the impact of strike action, and upsets the power balance between workers and employers.
- These changes will make the UK an outlier in Europe. Across the EU large agencies have agreed not to use agency workers to replace striking workers.
- There are health and safety concerns about inexperienced replacement workers taking on the roles of the permanent workforce.
- Inexperienced agency workers replacing strikers might lead to poorer quality services.

## Picketing and protests

Unions will have to appoint picket supervisors. They will be required to carry a

letter of authorisation which must be presented upon request to the police or "to any other person who reasonably asks to see it". The supervisor's details must be given to the police and they must be identifiable by an armband or badge. Failure to comply could result in a court injunction to stop the picket, or thousands of pounds of damages for the union.

Local authorities could also have the right to issue anti-social behaviour orders to picket line participants or protesters. The government is even consulting on introducing new criminal offences and sanctions.

Unions may have to report protest plans publicly to employers and regulators 14 days in advance of any action (and will have to give 14 days' notice of any industrial action). Details required would include timings, location, the number of participants and even whether protesters plan to use "loudspeakers, props, banners, etc". If unions don't report their plans then they face significant fines.

### What are our concerns?

- Existing law already requires union members to comply with tough picketing rules. The new regulations are overly bureaucratic and the penalties are disproportionate.

- The protest restrictions are unjustified and would divert already scarce police resources away from tackling serious crime.
- Unions are currently required to give 7 days' notice before industrial action takes place. Doubling the notice period for strike action to 14 days as well as requiring unions to publish details of protest activities will undermine negotiations and allow employers to recruit agency workers to cover for strikers.
- This level of scrutiny and monitoring is excessive, undermining freedom of speech and threatening the civil liberties of working people who should be free to defend their rights.

## Thresholds

In 'important public services' (fire, health, education, transport, border security and nuclear decommissioning), 50% of members must turn out to vote and 40% of the entire membership must vote in favour (that amounts to 80% of those voting, on a 50% turnout).

The government argues these thresholds are aimed at boosting democracy in the workplace.

### What are our concerns?

- Strikes are always a last resort but sometimes they are the only way to resolve disputes at work – including in those industries and occupations included in the government's definition of 'important public services'.
- The government's definition of 'important public services' is wider than the definition of 'essential services' in international law.

- If the government was committed to increasing democracy it would allow secure electronic and workplace strike ballots instead of arbitrary thresholds. Online voting is already used by several national membership organisations including the RNIB, the Institute of Chartered Accountants for England and Wales, the National Trust, the Magistrates' Association, the Countryside Alliance and the Royal College of Surgeons. And it is regularly used by political parties – including by the Conservative party to select their London Mayoral candidate.

## Regulating unions

The Certification Officer (who regulates unions) will be given powers to investigate unions and access membership lists even if no-one has complained about a union's activities. The regulator will also be able to impose fines of up to £20,000 on unions.

The government will be able to charge unions to cover the running costs of the Certification Officer. Costs are likely to increase as the regulator has new responsibilities.

### What are our concerns?

- There is no reason why the trade union regulator needs new powers now.
- Giving the Certification Officer the power to confiscate copies of membership records and other documents is an intrusion on union members' privacy and their right to have an independent relationship with their union.
- Significant new costs will be placed on unions to pay for this red tape – money that could be better spent protecting and promoting the rights of workers.

## Public sector facility time

All public sector employers will have to publish information on the cost of time off for union reps, plus a breakdown of what facility time is used for – collective bargaining, representing members in grievances or disciplinary action, or running training programmes.

Public sector employers won't be able to offer the option of paying for union membership direct through salaries anymore ("check-off").

The government will be able to cap the time public sector employers allow union reps to spend representing members.

### What are our concerns?

- These changes will restrict public sector employers from investing in good relations with their own employees.
- Deductions at payroll are a common way that employers help their employees manage their money – often childcare, travel, bike or computer payments are made this way. It's not clear why union membership fees should be singled out.
- These moves will reduce unions' ability to represent their members and resolve disputes before they escalate.
- Individual public sector employers should have the freedom to decide how they manage employment relations.
- The changes add more red tape for unions, whose time and money would be best spent serving members.

## Trade union political funds

Currently, every ten years unions are required to ballot members to decide whether the union should maintain a political fund. This does not just apply to party political funding but any political campaigning activity. Under the proposed regulations, union members will also be required to opt-in every five years to agree to subscriptions being partly used to fund political parties or campaigns on political issues such as anti-racism.

Trade unions will have to report on the use of all political expenditure above £2,000.

### What are our concerns?

- Union members already choose to opt into a political fund, and have to vote every ten years on whether a union should run one at all. There is no need for further costly restrictions on political funds.
- Political funds are used to pay for a variety of campaigning activities, including campaigns against racism and the BNP.
- Some unions are affiliated to the Labour party and use their political fund to support its work. Many others have political funds but do not contribute to specific parties.
- This attack appears to be motivated by a desire to reduce funding to the Labour party from those unions who are affiliated. It is usual for proposals to reform party political funding to be negotiated between all the political parties concerned. Previous Conservative leaders like Winston Churchill and Margaret Thatcher stuck to this agreement.

## Section Three

# How to argue against the bill – hints and tips

The good news is that the public supports the right to strike and thinks it's important – so we need to tell them about how the trade union bill threatens that important right, and get their support.

We need to focus on the bill itself, and make it clear how the proposals add up to a real assault on the right to strike.

It's a good idea to talk about:

- how getting inexperienced untrained agency workers in to break strikes would have safety implications, and might lead to poorer-quality public services.
- why getting agency workers in to cover for permanent staff on strike undermines the right to strike completely
- why the restrictions on picketing and protests – like having to tell your employer what you'll be posting on Facebook about the strike two weeks in advance – are ridiculous and over-the-top.

If you have more time, you can get into the details of the bill's other proposals – like the thresholds, the impact on union campaigning of the changes to the political fund, and the big new restrictions on union reps in the public sector. And you could say that instead of these unnecessary proposals, the government should let unions bring in

online and workplace balloting as a way to increase democratic engagement.

Independent polling by the TUC shows it's most effective to be specific about why you're concerned about these government proposals in particular.

Throughout, be friendly and reasonable, and come prepared with lots of examples of the great work that unions do in the modern workplace.

## Section Four

# What's happening when?

## Second reading of the Bill (i.e. the first vote in the Commons)

***Date to be confirmed, possibly 15 September 2015***

Join us on a mass online lobby of parliament the day of the first proper debate and vote in the House of Commons. More info will be available at [www.tuc.org.uk/tubill](http://www.tuc.org.uk/tubill).

## No to austerity, yes to workers' rights demo

***Sunday 4 October 2015, Conservative Party Conference, Manchester***

Thousands of us will get out on the streets of Manchester to make our voices heard loud and clear.

The demonstration will focus on protecting the right to strike and opposing austerity. It'll be a great day and a real chance to get your voices heard as the Conservative party start their conference in Manchester. Expect speakers from unions, music, surprise guests and lots and lots of noise.

- 12pm – assemble on Oxford Road, Manchester M13 9PL southwards from All Saints Park

- 1pm – rally, then march into Manchester, past the Conservative conference venue.
- Now is the time to thinking about how you're going to get there. Contact your union branch for information about transport. There will be volunteers on hand to help with directions and answer questions on the day.

More information including artwork for you to use and resources to download are available at [www.tuc.org.uk/notoausterity](http://www.tuc.org.uk/notoausterity).

## Protect the right to strike lobby and rally

***Monday 2 November 2015, Central Hall, Westminster (rally) and the House of Commons (lobby of parliament)***

This is a big opportunity to make sure MPs hear directly from people who are worried that the bill will undermine the right to strike and risk public safety and service quality. We'll meet up at Central Hall in Westminster to hear some inspirational speakers, and then in groups head off to the House of Commons to meet our MPs and explain why they should vote against the bill.

The rally will kick off at 1pm and the lobby at 2.30pm.

All info – including downloadable posters and leaflets – is at [www.tuc.org.uk/tubill](http://www.tuc.org.uk/tubill).

## Section Five

# Take action

### Write to your MP

With such a small majority in the House of Commons, the government will have a battle to get all their proposals through. Lobbying your MP to make sure they vote in favour of workers' rights is one small action that could make a huge difference.

You can find out who your local MP is from [www.theyworkforyou.com](http://www.theyworkforyou.com) and send them an email. Alternatively, you can write to them at the House of Commons, London SW1A 0AA.

There is a model letter you can adapt at <http://bit.ly/PRSlettertoMP>.

#### When's the deadline?

Make sure your MP gets this letter before the first vote takes place, provisionally on 15 September 2015.

### Contact local media

Local media are always looking out for local stories to cover. The more people get in touch and raise the issue, the bigger profile workers' rights will get and the greater the case against the bill.

There is a model letter you can adapt for local newspapers at <http://bit.ly/PRSlettertoeditor>.

You can also call your local radio station, tweet your local newspaper or news

websites (include the hashtag #tubill). You can use this briefing or the model letters as prompts if faced with tricky questions on air.

#### When's the deadline?

From now until the final vote, probably in early November.

### Petition your MP

Organising a petition is easy – follow the simple steps at [www.resourcecentre.org.uk](http://www.resourcecentre.org.uk) and use the the model text at <http://bit.ly/PRSpetition> The more people who add their name in support of the right to strike, the more pressure builds on your MP to vote against the Bill. It's also a great way to go about organising a meeting about the bill with your local MP.

You've done the petition, send it to your local MP. And don't forget to mail us at [campaigns@tuc.org.uk](mailto:campaigns@tuc.org.uk) to tell us how many signatures you got.

An important note on data protection: personal data provided by people signing must not be shared with anyone other than the MP's office and must not be used for any other purpose. As a petition organiser, you are accountable for any data breach and it is your responsibility to ensure that any volunteers adhere to the Data Protection Act in the same way.

### **When's the deadline?**

From now until the final vote in the House of Commons, probably in early November.

## **Run a stall or event**

If you want to make sure that local people or other workers in your workplace know about the threat to the right to strike, why not put up some posters or organise an event to hand out leaflets in your branch or local area? There's one to download and add your local details at <http://bit.ly/PRSpoter> You could even run a stall and gather petition signatures, or decide to run a public meeting.

### **When's the deadline?**

There isn't one – you can do this throughout the campaign.

## **Get your local council to oppose the bill**

A great way to highlight the issues locally is to ask your local councillor to put forward a motion in their next meeting opposing the bill, and agreeing that the council will write to the government and local MPs to tell them so.

Find out who your local councillors are at [www.writetothem.com](http://www.writetothem.com)

Don't forget to tell us if you get a motion passed – your local newspaper may also be interested.

### **When's the deadline?**

From now until late November – there's lots of time to influence MPs and peers.

## **Spread the word online**

Many people haven't yet realised that the government's proposals, taken as a package, threaten the right to strike. So it's always worth sharing links to great articles and talking to friends and colleagues online about why you are concerned. Use the hashtag #tubill so you can connect with everyone else talking about the campaign.

Our latest online actions will always be up on Going to Work ([www.goingtowork.org.uk](http://www.goingtowork.org.uk)) and you can read the latest from the campaign at [www.tuc.org.uk/tubill](http://www.tuc.org.uk/tubill).

### **When's the deadline?**

There's no deadline – keep sharing the info and making the arguments throughout the campaign.

## Find out more

For more information about the campaign, go to:  
**[tuc.org.uk/tubill](http://tuc.org.uk/tubill)**

Follow the campaign using the hashtag **#tubill**

**Get in touch** with the TUC on [campaigns@tuc.org.uk](mailto:campaigns@tuc.org.uk).