

# WHY DOES TRADE UNION FREEDOM MATTER?

**...BECAUSE RESTRICTIONS ON FREEDOM LIMIT THE ABILITY OF UNIONS TO EFFECTIVELY FIGHT AGAINST POVERTY AND RISING INEQUALITY.**

Trade unions have been at the forefront of the fight against inequality and poverty since they developed over a hundred years ago. In every declaration of human rights and freedoms and every constitution since World War II, the right to form and join a trade union has been a feature.

Yet it is a shameful fact that in the UK trade unions had more freedom to protect their members over a hundred years ago than they do today. It is no surprise that inequality has grown steadily the more trade union freedom has been restricted.

## THE RIGHT TO STRIKE

In the UK workers have no legal right to strike. Any strike action constitutes a breach of contract, entitling the employer to dismiss, discipline or sue the worker and leaves the union liable. True, the Labour Government introduced an 8 week period of protection against unfair dismissal for strikers – increased to 12 weeks under the Warwick agreement. But what if a strike lasts longer than 12 weeks? And even if you win a claim for unfair dismissal, employers often ignore court orders to reinstate sacked workers.

Despite the UK ratifying international treaties guaranteeing the right to strike, the supervisory

bodies of those treaties have held that UK law is incompatible with international law. The legal right to strike in the UK is plainly too restricted and is a blot on Britain's statute book.

## BALLOTING RULES

Current balloting rules are so complex that they are almost impossible to follow and all too often end in unions being brought before the courts on minor technical challenges as we have seen in numerous cases over the past year.

According to the ILO, the very complexity of UK balloting laws is inconsistent with the right to strike guaranteed in ILO Convention 87. As with balloting rules, the notice requirements unions have to provide to employers are far too restrictive and open to legal challenges.

Interim injunctions to stop industrial action are granted all too easily and the decision is weighted against the union as all employers have to do is show there is a serious issue to be tried rather than proving they have a winnable case.

## SOLIDARITY ACTION

The Conservatives restricted the definition of lawful industrial action and removed all rights of workers to take solidarity action in support of others. The blanket ban on solidarity action has been repeatedly condemned by the ILO as a breach of Convention 87 as it is an essential element of freedom of association.

The ILO have held that sympathetic strikes should



be lawful. The contracting out of services and the diversification of employers caused by privatisation are modern-day factors which require a modernisation of UK law.

## THE EFFECT

The relentless introduction of the anti-union laws was intended to prevent workers fighting back when business was engaged in a race to the bottom over pay, pensions and conditions. The progressive weakening of union rights has not been mirrored by controls on the rights of employers instead their rights have been extended. Changes in working practices – privatisation, the break up of large corporations, along with the greater use of 'atypical workers', like agency workers – have made things even more problematic for

unions in defending their members.

Workers should have the right to take industrial action to protect their occupational, social or economic interests, without the threat of dismissal or discrimination or their union's funds being decimated. Securing fairness at work demands freedom for trade unions.

At a time of recession and cuts, effective trade unions are needed more than ever. We have a duty to ourselves, our fellow workers, our children and to pensioners to act now to achieve our fundamental freedom and collective human rights.

## TRADE UNION FREEDOM MATTERS TO US ALL

For more information on how the anti-trade union laws affect **your** rights visit our website [www.unitedcampaign.org.uk](http://www.unitedcampaign.org.uk)

# REPEAL THE ANTI TRADE UNION LAWS

**RECLAIM  
OUR  
RIGHTS!  
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# ANTI UNION LAWS ATTACK YOUR RIGHT TO...

## ... DECIDE THE UNION'S RULES

The rules of unions are the most strictly legally controlled of any organisation. Unions are often interfered with by judges while firms are left to rip us off.

## ...PARTAKE IN DEMOCRACY

Only in industrial action ballots can the decision of a great majority be rendered void by minor technicalities deliberately put in place to stop them...that doesn't apply in electoral law for example.

## ...CHANGE YOUR WORKING LIFE

The anti-union laws were brought in after defeats for the unions and have helped to shackle workers ability to organise and win improvements. Enforcing our weakness has meant that millions of workers now work without any collective voice at work and have to just accept low pay, long hours and bullying management.

## ...DEFEND OUR NHS

When hospital workers in London voted to strike to stop privatisation of their hospital the courts told them it was illegal because it was political action. Which is another thing legislation makes "unlawful" in Britain.

## ...PICKET

one Judge accepted that a picket line has only one function – to stop people crossing it – yet the law makes effective picketing almost impossible.

## ...SUPPORT OTHERS OR ASK THEM TO SUPPORT YOU

Secondary action is illegal for workers, so while a boss can move work to another firm, or country, making workers unemployed or to undermine a strike, workers are banned from taking action in support of other workers.

## ...ACT NOW

It takes about a month to set up a strike or other action, if all the hurdles are overcome, even when the action is required to avoid danger to workers and the public or to defend a worker sacked for no good reason.

## ...DEFEND WAGES AND CONDITIONS

British workers can still be sacked for taking part in industrial action...even those taking part in "lawful" action can be sacked after 12 weeks.

## ...HEALTH AND SAFETY

Anti-union laws have been used against workers taking industrial action against dangerous working conditions. A safety rep sacked by one firm building the Jubilee line extension for refusing to allow work when a fire alarm was not working could not be supported by workers from other firms on the same job because this would be banned as 'secondary action'.

## ...PROTECT THE PLANET AND ITS PEOPLE

Any industrial action, including workers boycotts of environmentally destructive or goods that help to repress people are banned.

## ...USE YOUR HUMAN RIGHTS

The UN, the ILO, the EU and the Council of Europe believe the right to strike is a basic human right. In Britain there is no right to strike, every striker is breaking their contract in the eyes of the British courts.

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