

## GUIDE TO PICKETING

Providing it is conducted peacefully, picketing is a legitimate way to pursue industrial disputes. Effective picketing will strengthen support for the Union's position and assist in attaining a speedy conclusion to a dispute.

There are various pieces of legislation covering picketing activities and these have been drawn together in ACAS 1991 Code of Practice. The following should be brought to the attention of any members acting as pickets.

1. Where can we picket?

Picketing may only be carried out at or near an entrance to, or exit from the depot, shed, yard, station, office or site at which the picket actually works. If you work at more than one place you may picket those locations from which you work or those from which your work is administered. Where an entrance/exit is used jointly by workers of more than one employer, pickets must ensure that picketing does not involve interference with the contracts of the other employees, including encouraging them to support our own dispute. In the course of picketing you have no right to go onto private property and you may be sued under the civil law if you do so. This includes the property of your employer.

2. Who can picket?

Only three categories of people may picket.

- (a) Members who are actually in dispute
- (b) Former employees who have lost their jobs for reasons connected with the dispute i.e. who have been dismissed for refusing to work normally, may picket at their former place of work. This ceases to apply to anyone who takes another job.

N.B. This only applies to those who have lost their jobs because of participation in the industrial action - It does not apply to former employees who took voluntary severance before action began.

- (c) Trade Union Officials may picket at any place at which they have members in dispute which they have been elected or appointed to represent. i.e. Company Council Representatives may picket at any place in their electoral area where the grades they represent are in dispute.

Please note that the law provides that Trade Union Officials may picket provided that they are accompanying a member or members of their union who work at the location in question.

### 3. What can pickets do?

The only purposes of picketing declared lawful by statute are:

- (a) peacefully obtaining and communicating information;
- (b) peacefully persuading a person to work or not to work.

You are allowed to seek to explain your case to those entering/leaving the premises where the dispute is taking place. This may be done by speaking to people, distributing leaflets or carrying banners or placards. You have no power to require other people to stop or compel them to listen or to do what you ask them to do. You have no power to refuse to allow anyone to cross your picket line.

The key word in all of this is "peaceful". There is no protection for anyone against civil proceedings which may be brought against them for conduct such as

- unlawful threat or assault
- harassment (i.e. threatening unreasonable behaviour causing fear or apprehension to those in the vicinity)
- obstruction of a path, road, entrance or exit to premises.
- interference in the rights of those in neighbouring properties (i.e. noise or crowds causing a "private nuisance")
- trespassing on private property

You should bear in mind that pickets will have no protection if they do, or say, things which are defamatory or amount to a threat or harassment. This could include anything on a placard carried by a picket or gestures which may be offensive.

Some of the above may also constitute offences under the criminal law.

### 4. Picketing and the Police

The police, if they are in attendance, will be there to maintain law and order. The law gives the police discretion to take whatever measures may reasonably be considered necessary to ensure that picketing remains peaceful and orderly.

The Code of Practice states that "in general the number of pickets (should not) exceed six at any entrance to, or exit from, a workplace; frequently a smaller number will be appropriate."

Although this is a Code of Practice recommendation the police will probably try to enforce it and you should bear in mind that they have public order responsibilities and considerable discretionary powers to limit the number of pickets at any one place where they have reasonable cause to fear disorder.

## 5. The Criminal Law

If a picket commits a criminal offence they are just as liable to arrest and prosecution as any other member of the public who breaks the law. Among other matters it is a criminal offence:-

- to use threatening, abusive or insulting words or behaviour, or disorderly behaviour within the sight or hearing of any person likely to be caused harassment, alarm or distress by such conduct.
- to use threatening, abusive or insulting words or behaviour towards any person with intent to cause fear of violence or to provoke violence.
- to use or threaten unlawful violence
- to obstruct the highway or the entrance to premises or to seek to physically bar the passage of vehicles or persons by lying down in the road, linking arms across or circling in the road or jostling or physically restraining those entering or leaving the premises.
- intentionally or recklessly to damage property.
- to engage in violent, disorderly or unruly behaviour or to take any action which is likely to lead to a breach of the peace.
- to obstruct a police officer in the execution of his/her duty.
- banners, placards etc could be regarded as offensive weapons (members should ensure that their use - is beyond reproach).

It is often the case that people will wish to demonstrate support in addition to the official pickets. In these cases, such demonstrations should be kept well away from the picket line so as not to risk a breach of the peace or other criminal offence being committed on that picket

line. The demonstration itself will also be subject to the relevant provisions of the law and, additionally, the 1986 Public Order Act provides the police with the power to impose conditions (for example as to numbers, locations and duration) on public assemblies of 20 or more people.

## 6. Organising a picket

Only pickets acting in furtherance of a trade dispute and taking action authorised by the General Grades Committee are to be designated "official" pickets of the RMT provided they are covered by the three categories of people outlined in Section 2.

One person should be in charge of the picket line at any given time. It is useful to contact the local police to advise them of the intention to organise a picket line.

Wherever possible give official pickets some means of identification, such as armbands, and restrict the wearing of such identification to official pickets when they are actually on the picket line.

Give pickets precise instructions and make them aware of these guidance notes. Also, give them a credential, or letter of authority from the Branch appointing them as official pickets.

One person should be appointed as a police contact.

If a picket is arrested get names and addresses of possible witnesses immediately and ask them to provide you with a brief statement as soon as possible.

The foregoing is a guide to the law and the code of practice on picketing. It is cautionary but should not discourage you from picketing. Peaceful picketing is a sound and lawful tactic for Trade Unionists and you are within your rights to communicate our case and to persuade others not to work, in furtherance of our dispute.

**Any problems with picketing should be reported to the Head Office - Tel: 020 - 7387 4771 for immediate advice.**