

Guidance for branches on picketing

1. The basic law

- 1.1. There is no legal 'right to picket' as such, but attendance for the purpose of peaceful picketing has long been recognised as a lawful activity. However, the law imposes certain conditions on picketing with which trade unions are required to comply. These are set out in this guidance.
- 1.2. The only purposes of picketing declared lawful in statute are:
 - peacefully obtaining and communicating information
 - peacefully persuading a person not to work.
- 1.3. In no circumstances does a picket have power to require other people to stop, or to compel them to listen or to do what the picket asks them to do. A person who decides to cross a picket line *must* be allowed to do so. It is unlawful for a union to discipline a member for crossing a picket line.
- 1.4. Peaceful picketing should not give rise to any problems in law, but it should be remembered that the union and its pickets are not protected from legal action if they engage in such activities as:
 - blocking entrances to premises or physically barring the passage of people or vehicles
 - violent, disorderly or unruly behaviour
 - using threatening, abusive or insulting words or behaviour (including terms like 'scab')
 - damaging property
 - trespassing on private property.
- 1.5. Pickets should be workers employed by the employer who is party to the dispute or unemployed members who have lost their jobs for reasons connected with the dispute (e.g. members made redundant). Trade union officials or NEC members may also join picket lines. However, they should represent the members in dispute, so that would include a national official or the relevant regional official or a nationally elected officer, but would not include, for example, a regionally elected member from a different region.
- 1.6. The law says that pickets must picket only 'at or near his/her own place of work'. In practice that means that picketing must be confined to a location or locations as near as practicable to the workplace.
- 1.7. The law does not impose a specific limit on the number of people who may picket at any one place. The police have considerable discretionary powers to limit the number of pickets where they have reasonable grounds for believing that a breach of the peace is likely to occur. The government's Code of Practice

on Picketing, which is not in itself legally enforceable but which can be taken into account in legal proceedings, suggests that in general the number of pickets at any workplace entrance or exit should not exceed six (www.gov.uk/government/publications/code-of-practice-picketing).

- 1.8. It is lawful for a picket to try to peacefully persuade someone with a different employer not to work or not to work normally (e.g. asking a delivery driver not to cross the picket line), or to persuade students or members of the public not to cross picket lines. However, such people should not be misled into thinking that the UCU would be able to protect them against any repercussions that may follow their voluntary decision not to cross our picket lines; and pickets should not give any undertakings on behalf of other unions unless previously authorised by those unions.
- 1.9. Pickets should take care not to prevent or impede the supply of essential supplies and services, such as those essential to health and public safety or affecting the care of animals or, of course, emergency services such as police, fire and ambulance.

2. Trade Union Act 2016: picket supervisor

- 2.1. The main change brought about by the Trade Union Act 2016 is the introduction of the role of picket supervisor. The Act requires the union organising the picketing to appoint a picket supervisor who may be either a trade union official or member of the union. Where more than one union is involved in the picketing, each union must appoint its own picket supervisor.
- 2.2. The picket supervisor must be familiar with the Code of Practice referred to in paragraph 1.7 above in order to be able to advise others on what constitutes peaceful picketing. Wherever possible, UCU will appoint regional officials or regional support officials to perform this role.
- 2.3. The picket supervisor must be present on the picket line or be readily contactable and able to attend at short notice. The term 'short notice' is not defined. A picket supervisor can supervise more than one picket line. In practice, provided that the picket supervisor is contactable by mobile phone and is supervising a set of picket lines in one location, such as a single campus, the requirements should be met. In some cases, for example, where the dispute involves an institution with dispersed buildings or campuses, it may be necessary to appoint more than one picket supervisor.
- 2.4. The union or the picket supervisor must inform the police of the picket supervisor's name, contact details (mobile phone number) and the location of the pickets. This will normally be done by the relevant UCU regional office in liaison with the branch.
- 2.5. The union must provide the picket supervisor with a letter stating that the picketing is approved by the union. This letter need say no more than that the holder is an approved picket supervisor in relation to the dispute at X institution

on Y date(s). It does not need to contain any personal details about the picket supervisor. Only the employer involved in the trade dispute, or an individual acting on behalf of the employer, is entitled to see this letter. Where a request to see the letter has been made, the picket supervisor must show the letter as soon as reasonably practicable. UCU regional offices will supply picket supervisors with the necessary letter.

- 2.6. All pickets should wear armbands or tabards identifying them as such. When present on a picket line, the supervisor must wear something that readily identifies him/her as the supervisor. Regional offices will supply 'Picket Supervisor' tabards.

3. General approach

- 3.1. Effective picketing depends on early planning and close liaison between regional offices and branches. Ensure that you have sufficient pickets to cover all main entrances to the workplace and that they are on site early enough to cover the busiest period. Pickets should be brought together in advance of the action to plan the day's picketing and to be briefed by the picket supervisor.
- 3.2. Pickets should be visible and active. Ensure that you display UCU official picket signs where they can be seen both by those entering the workplace and by passers-by. All pickets should be supplied with leaflets.
- 3.3. Pickets should focus on peacefully persuading UCU members not to cross the picket line, but all those approaching entrances should be leafleted and if possible spoken to about the reasons for the action and asked for their expressions of support. Pickets may have very little time to get their message across, so it helps to have a script in mind. Avoid getting involved in long discussions with individuals if that means that others pass by without being approached or leafleted. Be polite at all times. You will receive a negative and occasionally aggressive reaction from some – do not rise to the bait, just walk away and turn your attention to the next person. Pickets should not enter the premises that they are picketing while on strike.
- 3.4. Picketing is a good opportunity for publicising the union's case. The regional office, with support from our national press office, will communicate with the media, and pickets should be prepared for photo-opportunities and interviews on the day. Also, it is important to publicise the picketing activity to members using the union's local, regional or national social media accounts. Again, this needs to be planned in advance with help from the region and the national press and campaigns team.