

Chapter 1 : Industrial action | nidirect

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Small accidental failures to comply with the requirements to ballot all members who are to take part in the action, and the requirements relating to postal voting arrangements, will not invalidate the ballot. This is provided that no "missed" members are actually called upon to take part in the action. Similar provisions apply in respect of small accidental failures to comply with the requirements relating to the balloting of seamen.

Notices relating to industrial action In Force - 18 September The obligation on unions to provide employers with the names of individuals to be balloted or called upon to take part in industrial action is removed. There have already been two Court of Appeal cases on this new requirement Previously, where a union ended authorisation for industrial action, and then subsequently re-authorised the action, it had to give a fresh notice of industrial action to relevant employers before the action could resume. That requirement is now disapplied where the union and the employer agree that industrial action will cease to be authorised from a certain date, but that it will again be re-authorised with effect from a date set out in the agreement, provided that the action is actually re-authorised.

Voting Paper There has been some confusion after the decision of the Court of Appeal in *Connex South Eastern Ltd v RMT*, where an overtime ban was found to amount to strike action, rather than action short of strike. That decision is reversed: As a result of changes to the law relating to the dismissal of striking workers see below , the following additional words must be inserted on the voting paper after the warning about being in breach of contract: It will now be possible for this period to be extended to eight weeks by agreement between the union and the employer. In a multi-employer dispute, each employer would be treated separately. Separate workplace ballots In Force - 18 September It has often been all but impossible to untangle the complex requirements of separate workplace ballots. This has led to enormous confusion for unions and employers alike. The circumstances in which separate workplace ballots are required are to be simplified. As previously, the separate workplace ballot provisions do not apply if the union reasonably believes that all members entitled to vote have the same workplace. There are three circumstances in which separate workplace ballots will not be required, even if workers entitled to vote in the ballot do not all have a common workplace. First, no separate workplace ballots are required where there is at least one member of the union who is "affected" by the dispute at the workplace of each member entitled to vote. Union members are "affected" by a dispute if: They are directly affected by decisions relating to terms and conditions or physical working conditions, to engagement or non-engagement or termination or suspension of employment or duties of employment, or to allocation of work or duties. They are directly affected by matters of discipline. They are officials of the union who would use any negotiating machinery which is the subject of the dispute. Secondly, a single ballot may be held in relation to a dispute where the workers have one or a number of common occupations, regardless of whether or not they are employed by one or a number of employers. Thirdly, a single ballot may be held where entitlement to vote is restricted to all the members of the union employed by a particular employer or employers.

Industrial action and unfair dismissal Section 16 and Schedule 5 In Force - 24 April Workers who are dismissed whilst taking part in lawful industrial action are currently denied legal redress unless not all of them are dismissed or there is selective re-engagement within three months. Under the new law, it is automatically unfair to dismiss an employee for taking part in industrial action in certain circumstances. This protection will apply: Where the dismissal takes place within the first eight weeks of the action. Where the employee stopped taking action within eight weeks even if the dismissal took place after eight weeks. Where the employer has not taken reasonable procedural steps for the purpose of resolving the dispute. In deciding whether an employer has taken reasonable procedural steps to resolve the dispute the following will be taken into account: Whether the employer or a union has complied with any collective or other agreement. Whether the employer or a union has offered or agreed to take part in negotiations after the start of the action. Whether the employer or a union has unreasonably refused, after the

start of the action, a request for conciliation. Whether the employer or a union, after the start of the action, has unreasonably refused a request that mediation be used to resolve the dispute. No account is to be taken of the merits of the dispute. Where a worker is unfairly dismissed under the new provisions, no order for reinstatement or re-engagement can be made until after all employees have ceased taking part in lawful industrial action relating to the dispute. These rights only apply where the industrial action is lawful and protected by a ballot which complies with the existing legislation. Where action is repudiated by the union, the protection for the workers is lost if they carry on with the action for more than one further day.

Chapter 2 : Trade unions: recognition and industrial action | Practical Law

It is not uncommon for a trade union to undertake industrial action as a bargaining tool in furtherance of a trade dispute. This Practice Note serves to look at the types of industrial action available to the union (and company).

Can an employer deduct your wages for taking part in industrial action? What is industrial action? Is it against the law to strike? Although there is no positive legal right to strike in the UK, strike action organised by a trade union is legal provided some tough conditions are met. The union must have conducted a lawful ballot of all the members it believes will be called upon to take part. The action must be over a trade dispute between workers and their employer over an issue like terms or conditions of employment and as defined in s. The person named on the ballot paper must make a call for action before industrial action can take place. There are very strict rules about the ballot and the notice that must be given to the employer about the action. Negotiations Industrial action is a last resort. Picket lines A picket line is when members meet at the workplace to increase awareness and support for their cause. Picketing members may also tell other workers about the problem in the workplace. During a picket line you are allowed to persuade workers, including substitute workers and delivery people, to stop interacting with the business. This must be done peacefully, as criminal law still applies to picket lines. The police, in Great Britain, can use special powers, such as obtaining an order prohibiting the picket, if the picket contains more than 20 people and they believe it may result in serious disruption to the life of the community. Key facts Industrial action occurs when members of a trade union organise into a group that either refuses to work, or refuses to work in the way employers want. Industrial action can involve a strike or action short of a strike. You must remain within the law while picketing. FAQs Industrial action If I strike, will that make my service be more or less likely to be outsourced? It is difficult to anticipate the actions of all employers and there is unfortunately a lot of outsourcing going on anyway. And of course, potential bidders for services may not find a strong staff group that is willing to stand up for their rights so appealing to bid for. Will I still have to strike if I voted No? What if I am part time? The deduction must be only for your contracted hours. What if I have external work commitments, on the day of the strike? If your commitments are part of your normal work for your employer, you should not attend them. Will I lose pay and if so how much? Yes, we can expect employers to refuse to pay staff taking industrial action. The law makes it clear that employers can deduct pay when staff are on strike. However, where pay deductions are made these should at all times be reasonable. Employees are protected from dismissal during the first 12 weeks of any lawful, balloted, official industrial action. Any dismissal for taking part in industrial action in the week period, regardless of how long the employee has worked, or their age, is automatically unfair unless a tribunal decides the dismissal was not to do with the industrial action. Are my pension contributions affected if I take strike action? In some strikes, particularly short ones, employers may not withhold superannuation contributions "€" so taking in strike action has not generally affected pensions though this is a possibility. If your employer decides to dock your pay for the day of action, the employers do not have to pay pension contributions during that period and you will not have paid your portion of contribution for that day. The impact on your final pension would be extremely small but you might want to consider replacing the lost contribution. Any member wishing to do this must inform their employer in writing before the absence takes place. Do I have to strike if there is a vote for action? As a member of a democratic union we would hope that you would participate in a strike if there is a vote for strike action. You cannot be forced to do so, but it is part of belonging to a democratic union in which decisions are made collectively. We recognise that taking strike action is very serious, which is why UNISON asks you and every other member to observe the strike, if called. Every member who does not undermines our bargaining power and makes it harder for us to protect all our members. Will I lose my job if I engage in industrial action? If you engage in lawful industrial action and you are dismissed in circumstances where the reason or principal reason for your dismissal is that you took part in lawful industrial action, then your dismissal will be treated as automatically unfair if: Are there rules and laws on picketing? Picketing is a legal activity to peacefully persuade members not to go in to work. Pickets should wear an armband indicating they are on duty. Industrial Action Handbook

[pdf] The law says that picketing should be carried out at or near an entrance or exit from a site at which the picket works. When others who are not in dispute come into work or use these entrances or exits, pickets must not interfere with them. What if I am pregnant, in my last year of service or receiving state benefits? It is common practice for these categories of staff to be exempted if they will suffer longer-term financial loss. Speak to your branch. My employer is saying that a one-day strike would be seen as a break in service and that my continuity of service would be broken. This means that the period you were on strike for will not count toward your continuous employment, but it does not break the continuity of your period of employment. How do I initiate industrial action? They will identify whether a case for industrial action is possible or beneficial. I am facing redundancy. Many members might be in a similar position and will share your concerns. Any dismissal for taking part in industrial action in this week period, regardless of how long the employee has worked, or their age, is automatically unfair unless a tribunal decides the dismissal was not to do with the industrial action. Employers know this and, in the most part, are not about to risk breaking the law. But management may attempt to isolate or indeed intimidate individuals or small groups with the view to encouraging strike breaking. There may be threats concerning your careers or of disciplinary action. They will take this very seriously and act upon it. Note that there are time limits for making a complaint normally three months less one day so let your branch know as soon as you receive a threat concerning your career or disciplinary action. What if I take annual leave? UNISON does not regard anyone who takes annual leave on strike days to be taking part in the strike action. If you can, we would like you to postpone your leave so that you can take part in any strike action. If UNISON decides to call for a strike, you do not have to strike as well, even though it may be in your best interests to do so. What if I am on sick leave? Workers who are absent on sick leave when a stoppage of work starts retain their right to statutory sick pay during the period of industrial action. If an employee reports sick on the day the action starts, the employer can be expected to make their own judgment as to whether they should be regarded as on sick leave or on strike. For the purposes of statutory sick pay payable in the eight weeks after a period of strike action, average earnings will reflect the lower earnings during the period leading up to the illness. Am I breaking my contract by taking strike action? Almost all effective industrial action is a breach of your contract of employment. The law protects workers from dismissal while taking part in lawful industrial action at any time within 12 weeks of the start of action. Depending on the circumstances, dismissal may also be unfair if it takes place later. Who decides on industrial action?

Industrial action is usually organized by trade unions or other organised labour, most commonly when employees are forced out of work due to contract termination and without reaching an agreement with the employer.

Current legislation focuses on statutory recognition for trade unions. There have been many academic articles written about the complexities of UK union recognition. In practice, the line between recognition and non-recognition can often blur. A trade union is recognised when it is: Trade union recognition can be either be by voluntary agreement between the parties, or an application can be made for statutory recognition. Enforced statutory recognition occurs where an independent trade union or two or more trade unions acting together makes a request for recognition. If the employer, together with any associated employer, employs fewer than 21 workers on the day that the request is received the request is invalid as far as the legislation is concerned. It is therefore voluntary for employers with fewer than 21 workers to recognise a union. Log in to view more Log in to view more of this content. Please note that some of our resources are for members only. This is in contrast to the law in many other EU member states. The legal right to conduct collective bargaining is the essential basic feature of a recognised trade union. As a general rule, collective bargaining involves negotiations on pay, hours and holidays the core topics. Parties often voluntarily reach agreement on other issues. There must be clear evidence to show both parties had mutually recognised one another for the purposes of collective bargaining, and evidence of actual negotiations on collective agreements. The CAC is an independent tribunal with statutory powers. It provides voluntary arbitration in industrial disputes and has statutory responsibility to adjudicate disputes regarding recognition and applications for the disclosure of information for collective bargaining. It also deals with applications and complaints under the Information and Consultation Regulations and disputes over the establishment and operation of European Works Councils. What are the consequences of statutory trade union recognition? If they fail to reach agreement either party may apply to the CAC for assistance. If the parties cannot agree, the CAC will impose a method of collective bargaining, which will take effect as a legally enforceable contract made between the union and the employer. Can a union be derecognised? The union may be derecognised only where: The employer no longer employs 21 or more workers. The union no longer enjoys the necessary degree of support from workers in the bargaining unit. The process is the same as that for recognition. What protection does a worker have who is involved in the promotion of a union for recognition purposes? An employee or worker dismissed on grounds relating to the recognition or derecognition of a union will be able to bring a claim for unfair dismissal, regardless of their length of service. They have three months from the date on which they were subjected to a detriment to bring a claim. The employment tribunal may make a declaration that the employer acted unlawfully and award compensation. Can an employer offer inducements to employees to discourage trade union membership and collective bargaining? The Employment Relations Act introduced measures that: Unions cannot generally refuse to admit members unless they belong to certain organisations, membership of which would be contrary to the rules of the union. For example, a union may be able to refuse membership to members of an extremist political party. As is often the case under UK law there are different definitions in different pieces of legislation. A strike is defined as both: For there to be an authorised or official strike the union must organise a legal ballot. The law concerning balloting has recently changed and is complex. The Code of Practice: Industrial action ballots and notice to employers has been updated accordingly. Industrial action is also used as a generic term, covering a broad range of actions by employees to put pressure on an employer. Some examples are strikes, lock-outs, over-time bans, boycotts and working to rule. What are the main legal consequences of industrial action? An employee who is dismissed while on an unofficial strike is usually unable to make an unfair dismissal claim, but employers should take legal advice. The three month time-limit for presenting an unfair dismissal claim doubles to six months if the employee was on strike when they were dismissed. Some professions are banned from taking industrial action and for them striking will always be illegal. For example, industrial action by prison officers is prohibited by the Criminal Justice and Public Order Act Terms and conditions of employment, and the physical work environment. Engagement or

non-engagement, termination or suspension of employment, or the duties of employment between workers. Matters of discipline, membership or non-membership of a trade union. Facilities for trade union officials. Machinery for negotiations or consultation and other procedures relating to the above matters. If the action is unofficial the employer may be able to: However, the legislation concerning industrial action is full of complexities and employers may find many ways to challenge the legitimacy of strike action. Can staff be dismissed for taking part in industrial action? Unofficial industrial action If an employee is taking part in unofficial industrial action at the time of their dismissal, they will not have the right to claim unfair dismissal. To dismiss unofficial strikers without a dismissal procedure: Any employee who participates in unofficial industrial action will also commit a breach of their contract of employment. The main remedies would be: Suing the employee for damages that is the loss suffered as a result of the industrial action. This is usually not a commercial option because it is hard to prove and the employees have no money, even if an employer is in principle willing to sue employees. Non-payment of the employees. If the circumstances warrant it, dismissal. There is some helpful case law in this area. Official industrial action Statutory protection is provided to employees taking part in official action. Employees are allowed to strike for a protected period of 12 weeks. It is automatically unfair to dismiss an employee for taking part in protected industrial action where dismissal occurs: However, the employees can be dismissed fairly if the: The dismissed employees will not be entitled to receive any notice pay, redundancy pay or other termination payment. Problems can arise if there is a fresh ballot on essentially the same issues and the employer alleges that the week period has been exceeded. Ultimately a court has to decide if the dispute is sufficiently the same and if the protected period starts running again. Reasonable steps An employer seeking to dismiss after the protected period must take such procedural steps as are reasonable to resolve the dispute. After the protected period of industrial action has begun, the employer must: Where the parties have agreed to use the services of the mediator or conciliator, section 28 of the Employment Relations Act introduces matters which the tribunal is to have particular regard to when assessing whether an employer or the union has taken reasonable procedural steps to resolve the dispute. The short answer to this question is yes, but the legality of it depends on the work the employer wants the temporary workers to do and whether the employer: Employers may close for the day, but if they stay open as usual they should clearly inform all employees of this in case there are employees who decide they do not wish to participate in the strike. If employers do close the workplace for one day, they should pay employees who are not striking, unless there is a clearly worded contractual lay-off clause. Refusing to employ or blacklisting union members gives rise to legal claims for defamation, conspiracy and breach of data protection laws. It is unlawful for organisations to: Blacklisting has been a particular problem in the construction industry, prompting the creation of the Construction Workers Compensation Scheme which closed in June and the issuance of government guidance. What remedies other than dismissal are available? An employer may consider applying for an interim injunction from the High Court to prevent the industrial action from taking place or continuing. The court has to decide: This is a complex area of law and specific legal advice should always be sought. An employer could consider suing its employees for damages as an alternative to dismissal or indeed potentially in conjunction with dismissal. Where production stops, it may well be possible to quantify lost profits for the days on which the action is taken. The problem, however, is that employees will clearly have limited resources and the industrial relations consequences need to be considered carefully. Clearly, where an extended strike takes place, an employer will not pay the employees. This will be irrespective of whether they are dismissed or sued for damages. What is secondary industrial action and is this lawful? Secondary action consists of calling or threatening a strike or other industrial action by workers of an employer who is not a party to a dispute. This is usually unlawful and unions that organise such action may lose immunity from legal proceedings. The only form of secondary action that is lawful is picketing, but there are strict rules concerning the numbers and use of pickets. The illegality of secondary action can be a complex issue. It is lawful for a person to picket near their place of work: However, lawful picketing provides protection from liability for such industrial torts. It is not lawful to picket on any part of the premises that are private property "that would be trespass. If attendance outside the place of work is for any other purpose, such as obstructing the highway, then this is unlawful. There is no statutory restriction on the number of

pickets that may attend at a place of work, but to retain statutory immunity from the industrial torts the action must be peaceful.

Chapter 4 : New requirements for industrial action introduced | Weightmans

The Conservative legislation required unions to commence industrial action within four weeks of the close of ballot for the union to retain protection against legal action by the employer. It will now be possible for this period to be extended to eight weeks by agreement between the union and the employer.

The role of unions Industrial action Industrial action is taken by employers or employees to settle a workplace dispute about working conditions. It includes, when employees: We provide general information on industrial action only. For information on taking, suspending and stopping industrial action visit the Fair Work Commission website. When is industrial action protected? Industrial action can legally be taken when bargaining for a new registered agreement is unsuccessful. This is known as protected industrial action. Several requirements must be met for industrial action to be protected. What can happen when protected industrial action is taken? The Fair Work Commission the Commission can suspend or end protected industrial action that might: When an employee takes part in protected industrial action, an employer must not threaten to dismiss or discriminate against the employee. Civil action cannot be taken against employers, employees and unions who participate in protected industrial action. When is industrial action unprotected? All other industrial action is unlawful, and not protected. What happens when unprotected industrial action is taken? The Commission can make an order to stop or prevent unprotected industrial action. The Commission can make this order by itself or through an application. Employers, employees and bargaining representatives who take unprotected industrial action can face other consequences. Where unprotected industrial action breaches the Fair Work Act , we can also investigate these matters. For example, when prohibited payments are made during industrial action. Need help resolving general protections issues? You have 21 days starting from the day after you were dismissed to lodge an application with the Commission. Check the information at the Commission website to find out if you can apply for: For other general protections issues: Take general protections issues seriously. Speak with your employee to address the problem after reading the information on this page. We have resources to help you: Download our Managing underperformance best practice guide for information about how to take reasonable management action to make sure employees are doing their job properly. Disciplinary action should be carried out by a manager in a reasonable, lawful way. What to do next.

Chapter 5 : Industrial action - Wikipedia

Workers and trade unions in the United Kingdom have fewer rights in relation to industrial action than elsewhere in Europe. In fact they have less protection than they had years ago at the time of the Trade Disputes Act

For more information on the work of the Global Unions, see www. The conduct of multinational enterprises is not necessarily better or worse than that found in purely national or local companies. They are, at times, better placed to carry improvements in working conditions and development. However, they can also help drive a race to the bottom. One aspect of globalisation is the increasing power of multinationals to disrupt collective bargaining agreements or bargaining structures. Multinational enterprises also operate in countries where external control of their practices is difficult if not impossible China, for example. Add to this a very complex structure of subcontractors, sub-subcontractors often with steps further down the line , suppliers, outsourcing, networks, etc. The growing role of multinational enterprises in the world economy has also affected the behaviour of national and local governments. Sometimes it seems as if there is as much or more competition among governments for investment from multinationals than there is among companies for market share. A key trade union tool for addressing the growth of corporate power is the framework agreement. Framework agreements are signed by Global Union Federations and multinational companies. As the global-level representatives of workers in a particular company or industry, the Global Union Federations have the mandate to negotiate agreements with multinational companies. Such agreements establish frameworks of principles. They are not detailed collective bargaining agreements and are not intended to compete with agreements at the national level. Framework agreements are intended to help create the space for workers to organise and bargain at the local level. In some cases, they cover other issues as well, including those concerned with suppliers. They establish a relationship with a company that makes it possible to resolve problems, often before conflicts become serious. Further information on framework agreements is available from the website of the Global Union Federation. The OECD Guidelines for Multinational Enterprises There is no shortage of codes of conduct or guidelines covering the operations of multinational companies. If anything, there has been a proliferation of voluntary instruments in recent years. NGOs have also been developing codes of conduct. They are endorsed by these governments and represent their shared expectation as to how multinationals should behave. The Guidelines go beyond employment and industrial relations to cover broader issues like human rights, disclosure of information, environmental protection, corruption, and taxation. They also benefit from having an implementation process in which governments, through a National Contact Point, play a central role. This includes dealing with complaints brought against multinational companies under the provisions of the Guidelines. They can be used as a tool both to promote responsible corporate behaviour and to address negative behaviour through the complaints procedure. While at work, a large number of children are affected by numerous hazards. Trade unions, large and small, throughout the world are working with IPEC. Find out more here. Protecting public services The form of globalisation we have seen in recent decades has been characterised by the relentless drive to liberalise trade i. Many developing countries have been forced to adopt harsh structural adjustment programmes in return for loans from the World Bank and IMF. As a result of these programmes, they have had to orientate their economies towards producing exports and to reduce already inadequate spending on public services such as health and education. The liberalisation of trade in services has also been on the agenda at the WTO, giving rise to public concern in both developing and industrialised countries over the privatisation of public services. More than public service trade unions in more than countries make up PSI. Together these unions represent more than 20 million public sector workers. Since , PSI has organised public sector workers in many different occupations. PSI has been part of the international struggle to bring to account the World Bank, the IMF, the WTO, multinational enterprises and governments which make decisions about global trade, production, investment and structural adjustment. It has engaged in discussions with the WTO and governments and has raised awareness of the issue both within and beyond the trade union movement. PSI has produced a number of briefings on the impact of the trade in services on the public sector. Click here for more information.

Education International - Global Campaign for Education Education International is a world-wide trade union organisation of education personnel, whose 24 million members in national trade unions and associations in countries and territories represent all sectors of education from pre-school to university. There is a growing conviction that basic education is one of the key factors in the eradication of poverty and that it is the cornerstone of freedom, democracy and sustainable human development. Also, in eliminating the worst forms of child labour, education plays a vital role. The Global Campaign for Education GCE brings together organisations working in countries, and aims to hold governments accountable for the fact that million children are denied an education. Read more about the Global Campaign for Education. Three priorities for action were identified: It is a global problem, undermining economic progress and development and requiring an integrated, co-ordinated and sustained international response. The workplace is an important point of focus for initiatives to tackle the disastrous effects of the pandemic as it provides access to a large, yet captive audience. Trade unions also form national and international networks which have been effective in promoting campaigns for social rights.

Chapter 6 : Glasgow strike: union told it faces legal action over 'illegal pickets' | UK news | The Guardian

A trade union calls industrial action by telling members and the employer when and how this action will be taken. This should be done by a trade union official or committee that has the legal.

Mexico[edit] Before the s, unions in Mexico had been historically part of a state institutional system. From until the s, worldwide spread of neo-liberalism through the Washington Consensus , the Mexican unions did not operate independently, but instead as part of a state institutional system, largely controlled by the ruling party. This economic policy, which peaked in the s and 60s with the so-called " Mexican Miracle ", saw rising incomes and improved standards of living but the primary beneficiaries were the wealthy. The new owners had an antagonistic attitude towards unions, which, accustomed to comfortable relationships with the state, were not prepared to fight back. A movement of new unions began to emerge under a more independent model, while the former institutionalized unions had become very corrupt, violent, and led by gangsters. It controls school curriculums, and all teacher appointments. One of the aims of IF Metall is to transform jobs into "good jobs", also called "developing jobs". In , the percentage of workers belonging to a union labour union density was The considerably raised membership fees of Swedish union unemployment funds implemented by the new center-right government in January caused large drops in membership in both unemployment funds and trade unions. From to , union density declined by six percentage points: Trade unions in the United Kingdom and History of trade unions in the United Kingdom Public sector workers in Leeds striking over pension changes by the government in November Moderate New Model Unions dominated the union movement from the midth century and where trade unionism was stronger than the political labour movement until the formation and growth of the Labour Party in the early years of the 20th century. By this stage, some 12., workers in the United Kingdom were trade union members. The level of trade union membership also fell sharply in the s, and continued falling for most of the s. Trade union density was Labor unions in the United States and Labor history of the United States Labor unions are legally recognized as representatives of workers in many industries in the United States. In the United States, trade unions were formed based on power with the people, not over the people like the government at the time. Larger unions also typically engage in lobbying activities and supporting endorsed candidates at the state and federal level. Most unions in America are aligned with one of two larger umbrella organizations: Both advocate policies and legislation on behalf of workers in the United States and Canada, and take an active role in politics. Child labourers in an Indiana glass works. Trade unions have an objective interest in combating child labour. In , the percentage of workers belonging to a union in the United States or total labour union "density" was Unions allege that employer-incited opposition has contributed to this decline in membership. The most prominent unions are among public sector employees such as teachers, police and other non-managerial or non-executive federal, state, county and municipal employees. Members of unions are disproportionately older, male and residents of the Northeast, the Midwest, and California. The economist Joseph Stiglitz has asserted that, "Strong unions have helped to reduce inequality, whereas weaker unions have made it easier for CEOs , sometimes working with market forces that they have helped shape, to increase it. These unions are often divided into " locals ", and united in national federations. These federations themselves will affiliate with Internationals , such as the International Trade Union Confederation. However, in Japan, union organization is slightly different due to the presence of enterprise unions, i. These enterprise unions, however, join industry-wide federations which in turn are members of Rengo , the Japanese national trade union confederation. In Western Europe , professional associations often carry out the functions of a trade union. In these cases, they may be negotiating for white-collar or professional workers, such as physicians, engineers or teachers. Typically such trade unions refrain from politics or pursue a more liberal politics than their blue-collar counterparts. A union may acquire the status of a " juristic person " an artificial legal entity , with a mandate to negotiate with employers for the workers it represents. In such cases, unions have certain legal rights, most importantly the right to engage in collective bargaining with the employer or employers over wages, working hours, and other terms and conditions of employment. The inability of the parties to reach an

agreement may lead to industrial action , culminating in either strike action or management lockout , or binding arbitration. In extreme cases, violent or illegal activities may develop around these events. The Great Southwest Railroad Strike of was a trade union strike involving more than , workers [61] In other circumstances, unions may not have the legal right to represent workers, or the right may be in question. This lack of status can range from non-recognition of a union to political or criminal prosecution of union activists and members, with many cases of violence and deaths having been recorded historically. Social Unionism encompasses many unions that use their organizational strength to advocate for social policies and legislation favourable to their members or to workers in general. As well, unions in some countries are closely aligned with political parties. Unions are also delineated by the service model and the organizing model. The service model union focuses more on maintaining worker rights, providing services, and resolving disputes. Alternately, the organizing model typically involves full-time union organizers , who work by building up confidence, strong networks, and leaders within the workforce; and confrontational campaigns involving large numbers of union members. Many unions are a blend of these two philosophies, and the definitions of the models themselves are still debated. In Britain, the perceived left-leaning nature of trade unions has resulted in the formation of a reactionary right-wing trade union called Solidarity which is supported by the far-right BNP. In Denmark, there are some newer apolitical "discount" unions who offer a very basic level of services, as opposed to the dominating Danish pattern of extensive services and organizing. Belgium, Denmark, the Netherlands and Switzerland , religious unions have existed for decades.

Chapter 7 : Trade union - Wikipedia

trade unions in action As globalisation throws up problems for workers that do not respond to purely national solutions, international co-operation and solidarity between trade unionists, unions, national centres (such as the TUC) and international trade union organisations play an increasingly crucial role in safeguarding workers' rights.

Procedure for taking industrial action Industrial action is protected by law as long as: A ballot is the name given to the process of voting. You should get specialist advice as to what rules apply to you. Carrying out industrial action ballots Industrial action ballots need to be carried out correctly properly conducted. An industrial action ballot is properly conducted if: Complaining about trade union ballots A properly conducted ballot gives you the choice to take part in or continue with industrial action. You have the right to apply for a court order if your trade union asks you to take action without one. You are advised to take legal advice before applying to the court. The court might be prepared to grant a temporary injunction against the trade union if the court cannot hear your case straight away. A temporary injunction forbids the trade union from organising the industrial action you are complaining about until the case has been heard. If the court is satisfied that no ballot was held, or was not conducted properly, it may make an order against the trade union. The order can prevent the trade union from organising industrial action or stop the industrial action. If the trade union does not do what the order requires, you have the right to apply to the court to ask for the trade union to be declared in contempt of court. Other industrial action ballots Sometimes, trade unions ballot their members about ending industrial action after it has begun, or about offers made by the employer to end the dispute in question. Those ballots are not a statutory requirement, and are for trade unions to decide whether to arrange or not, in-line with their rules. Trade unions are free to hold these ballots in-line with their rules. However, the trade union will need to hold a further legal ballot if they wish to proceed with any industrial action. Taking part in industrial action If you take industrial action, you will probably be in breach of your employment contract and your employer: However, the days you took industrial action on will not usually count towards your total length of service with your employer. This means that your periods of employment both before and after you took industrial action will normally count towards your total length of service. This is important when working out certain rights under your employment contract for example, your pension and some statutory rights for example, statutory redundancy pay. Industrial action will normally be protected industrial action if it is official action organised by your trade union in-line with the law. It will be organised in that way if: This applies whether you are dismissed while taking part in the action or at any time after you stopped taking part. When working out whether you have been taking part for 12 weeks or less any lock-out days when your employer stops you from working are not counted. Unfair dismissal If you continue to take part in protected industrial action for more than 12 weeks your rights are different. If you are dismissed for taking part after the end of the 12 weeks your dismissal will only be unfair if, at the time of your dismissal, your employer has not followed reasonable steps to settle the dispute with the trade union. For example, it may be unfair for your employer to dismiss strikers if your employer has unreasonably refused a request by the trade union to involve a third party to conciliate help agree a settlement. You can complain about unfair dismissal if you are dismissed: Dismissal and unofficial industrial action Unofficial industrial action is industrial action that is not organised by, and is not the responsibility of, any trade union. You normally have no right to claim unfair dismissal if you are dismissed while taking part in this kind of action. You can still claim if the reason for your dismissal was automatically unfair. Picketing and picket lines Industrial action by workers who are not trade union members If you take part in industrial action when you are not a trade union member you are normally treated as taking part in unofficial action. This means that if you are dismissed while taking part in the action you normally have no right to complain of unfair dismissal. You are treated as taking part in official action if both: Your rights if you are dismissed depend on whether the industrial action is protected or unprotected and when you are dismissed. What you should do next Before taking any form of industrial action, always consult your union.

Chapter 8 : Trade unions - employee rights, recognition, industrial action

Trade unions, also known as labor unions, have been an important part of the American labor movement since Although membership has declined over the past 35 years, in , million U.S.

When this becomes law it will introduce significant new requirements for protected industrial action. The Trade Union Bill has been placed before Parliament. The Bill also suggests a clamp down on facility time for trade union duties by public authorities. The new law is likely to be good news for employers, albeit that it may lead to a change in the way that industrial disputes are conducted in the future. The detail of industrial action The law currently provides employees and their unions with protection against certain claims from employers if industrial action is taken in furtherance of a trade dispute. The Unions must comply with certain complex requirements around ballots and notification for industrial action to be protected. The Trade Union Bill before Parliament adds to these requirements with some new obligations as follows: This is a significant additional requirement. This new requirement means that at least half of the members of the trade union who the union reasonably believe at the time of the ballot they will be inducing to take part in the action, must actively vote with more than half who vote saying yes to action. So apathy or indifference will stop lawful action taking place. A consultation has been issued alongside the Bill to determine who and what occupations will be included in this definition from within: This is currently intended to cover both private and public sector organisations delivering these services. The ballot papers issued will also need to include: A ballot will cease to support action after four months. So this gives a ballot a limited shelf-life, but may have the side-effect of hastening the escalation of action. The Union must give you two weeks notice of when industrial action will commence doubling the current period. This is the notice required after the successful ballot, which gives you time to negotiate, prepare for the strike, or inform those affected such as customers, service-users and parents. This will be one of the most welcome changes for many employers. If vote, will need to vote yes. For those who fall in the important public services when they are defined, at least will need to vote yes if between and vote, with a turnout of required. However importantly this remains about the number of trade union members in the group who may take action, it is not about percentages of those in the affected workforce as a whole so it requires relatively strong support from the union membership albeit that may not be a significant portion of your workforce. It may mean that strikes and ballots may be more particularly targeted to the parts of your workforce which have strong and active Union support. However they also suggest that union members will be more likely to vote if the turn-out levels are important, so the level of historic turn-outs may not be a good indicator of future action. Your browser does not support this embedded content. You can view it here: This is expected to make compliance with the code of practice on picketing more effectively enforceable. A separate consultation has also been commenced looking at tackling intimidation of non-striking workers. For those of you who are a public authority, you will be subject to new requirements to publish details about how many and what percentage of your employees are given Union facility time including a requirement to identify the cost of it as a percentage of your wage bill. The Bill will also empower the Government to introduce future Regulations to limit the percentage of time any union official can spend on facility time and the percentage of your wage bill which can be spent on facility time. It looks like the days of the full-time official employed by public bodies is limited. There is however a consultation about this. Alongside the Bill, the Government are separately consulting about removing the ban on using agency staff to cover those on strike. What does this mean for me? For those of you in sectors or industries where the risk of industrial action is part of your role, this Bill is hugely significant. It may reduce the bargaining power of Unions, particularly where their traditional power has been based upon a hard-core who votes within an apathetic membership. However these changes are likely to result in the Unions needing to re-think how they approach membership, negotiation and action. Where industrial action has strong support, this Bill will not stop it. Comment Whilst this Bill needs to go through Parliament and may yet change as it does so, it is highly likely that most of it will become law. If you have a view on the elements which are out for consultation you can respond to the Government directly, or we will be providing you with the opportunity to feedback

comments to us to assist us in responding on your behalf. There also must be the likelihood of challenges to it before the Courts both in the UK and Europe based on the rights which are limited by it. Whilst generally good news for employers, the risk in any new law is the unintended consequences. Many of these changes are about lawful industrial action, but if the law becomes so onerous that workers and Unions feel the need to take action which is outside the protected element of the law such as wildcat strikes without notice , there is a risk that this will have a greater impact for some of you even if you might have the potential for legal recourse against such action. If you would like to discuss this legislation in more detail or have any questions about industrial action, please speak to your usual contact in the Weightmans employment, pensions and immigration team, or get in touch with Paul McFarlane paul.

Chapter 9 : Trade Union Recognition & Industrial Action Q&As | CIPD

Industrial action raises complicated issues and legal advice should always be taken. For information on redundancy consultations, see our Redundancy collective consultation Q&As. Current legislation focuses on statutory recognition for trade unions. There have been many academic articles written.

In fact they have less protection than they had years ago at the time of the Trade Disputes Act. What does the Bill say? The Bill takes the first tentative steps towards complying with international law and sets out to: Why do workers need more protection? The UN says that: The Trade Union Freedom Bill does not go as far as the international laws ratified by the UK, but would at least stop people from being sued and sacked by their employer for exercising a legal right. It says that employers should not be able to sack workers for taking industrial action. And nor should they be able to disadvantage them in any other way. Additionally, the Bill would strengthen unfair dismissal on union grounds to provide automatic reinstatement for workers sacked for having taken lawful industrial action. Can employers hire strike breaking labour? Other regulations in the UK say that agencies should not supply strike breakers. This does not apply if the agency does not and could not know that the original worker was on strike. The proposed Bill would extend those regulations by making it unlawful for employers to hire workers to break a strike. Why are injunctions so easy to obtain here? Both the ILO and the Council of Europe have condemned the ease with which the courts here grant interim injunctions to employers. The Bill will change that so the employer has to show they are more likely to win at trial than the union. Will solidarity action not result in wildcat strikes? Whatever the Government says, the answer is no. The ILO says that sympathetic strikes should be lawful as long as the primary strike is lawful. But, in the UK, all forms of solidarity action are unlawful. So the Bill proposes that a group of workers should have the freedom to take industrial action in support of another group who are on strike, but only in situations where there is a substantial connection between them. One situation would be where the employer in the primary dispute and the employer subject to solidarity action are associated employers. A second is where a second employer is covering the work of the strikers. How can industrial action ballots be simplified? The Bill proposes a modest but highly significant change in preventing legal action for trivial, technical or accidental breaches of the balloting provisions, which could have no effect on the outcome of the ballot. The union was told it could not rectify a prior unofficial call to take industrial action by repudiating the call and then conducting a proper ballot and serving the requisite notices. In reality, notices of ballots are of little value to employers except for obtaining court injunctions to stop the industrial action. The Bill would scrap them. How can industrial action notices be simplified? The Bill also says that all the onerous formalities for giving notice of industrial action should be replaced by an obligation to give seven days notice to employers of when the industrial action will start, and reasonable information about those expected to take part. Trade unionists and the politically active can help by sending motions to their union, political party branches and conferences. Ask your MP to sign up to an early day motion that supports the Bill. Watch out for the lobby of Parliament in the autumn coinciding with the centenary of the Trade Disputes Act