



Repealing anti-strike laws - what Labour and trade union policy says

A Free Our Unions campaign briefing, September 2019

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The Labour leadership and those of some trade unions currently argue only to repeal the 2016 Trade Union Act, ie the most recent of ten Tory anti-union/anti-strike laws introduced since 1980, and remain vague on the question of the right to strike. This is despite clear policy agreed by the democratic decision-making bodies of the Labour Party and the big majority of unions that all anti-union laws should be repealed.

This briefing contains excerpts of policy passed in a range of labour movement organisations - Labour, Unite, IWGB, NEU, TUC Disabled Workers, FBU, GMB, RMT, Unison, TUC Congress - since 2015, mostly 2018 and 2019. They are in reverse order, most recent first, with links to the full policy. Most other unions will have older but still live policy too.

These policies should be campaigned for and carried out, not ignored.



Changing the world of work for good

TUC Congress, September 2019 (full policy: bit.ly/2kLqNob)

Congress notes that the anti-trade union laws – not just the 2016 Trade Union Act, but multiple laws going back to 1980 – continually undermine workers' ability to organise and campaign...

These laws mean our movement is fighting the challenges of low pay, insecurity and erosion of hard-won terms and conditions with our hands tied behind our backs...

Congress welcomes recent Labour Party conference policy (2015, 2017, 2018) to repeal all anti-union laws and replace them with strong legal rights for workers and unions, including rights to strike and picket.

Congress believes it is crucial the next Labour government acts quickly to implement this policy.

... workers need strong rights to join, recruit to and be represented by an independent union; strike/take industrial action by a process, at a time and for demands of their own choosing, including in solidarity with any other workers and for broader social and political goals; and picket freely...

Congress welcomes Labour's commitment to reviving collective bargaining but believes that – to quote the Institute of Employment Rights – “collective bargaining without the right to strike is collective begging”...

Congress agrees to campaign, and encourage affiliated unions and trades councils to campaign, for the repeal of all anti-union laws which may be given effect by new permissive legislation and their replacement with strong legal rights, including to strike and picket; and for a clear commitment on this from Labour.

Congress agrees that the General Council will ensure that these demands are central to all campaigning around employment and workers' rights, such as the New Deal Charter.



Unison Labour Link conference, July 2019 (bit.ly/2mgJvEx)

1. Labour Link Forum applauds the unanimous decision by the 2017 Labour Party conference to call for repeal of not just the 2016 Trade Union Act but also the “anti-union laws introduced in the 1980s and 90s” by the Thatcher and Major Tory governments and kept in place after 1997; and for a “strong legal charter of workers’ rights”. “For unions to be effective workers need an effective right to strike”. This builds on the 2015 conference decision, also unanimous, that the next Labour government should “legislate for strong rights to unionise, win recognition and collective bargaining, strike, picket and take solidarity action”.

2. UNISON Labour Link will campaign for the Labour Party to:

- Repeal all the anti-union laws introduced after 1979.
- Introduce strong legal rights for workers to join, belong to and recruit others to a union; strike by a process, at a time and for demands of their own choosing, including in solidarity with other workers and for broader social and political goals; and picket freely...
- Campaign and legislate for the right of unions to determine their own structures, rules and processes, decide their own policies and activities, and spend their funds as they choose, free from state and employer interference...

3. UNISON Labour Link calls on all UNISON backed MPs to publicly support these demands...



RMT conference, June 2019 (bit.ly/2mks8mr)

... notes that recent Labour Party Conferences have voted unanimously in favour of repealing all the anti-union laws and supporting “a strong legal charter of workers’ rights” including the “right to strike”...

This conference welcomes the Free Our Unions Campaign initiated by Lambeth Unison and supported by a range of trade union bodies including RMT London Transport Regional Council and Eastern Region FBU... working to repeal all anti-union laws and enshrine workers’ rights. It is particularly focused on pushing the Labour Party to act on this important policy.

... repealing the 2016 TU Act would not do enough to give trade unions the freedom to take action how and when we want, e.g. solidarity action would still be illegal. We need the repeal of all anti-union laws.

... the trade union movement must build pressure on the Labour Party to make the most of a historic opportunity, the prospect of a left-led Labour Party repealing all anti-union laws...

This conference resolves:

1. To add RMT as a signatory to the Free Our Unions campaign [and various measures to promote FOU]...
5. To write to members of the RMT Parliamentary Group, Jeremy Corbyn and John McDonnell, expressing RMT’s support for free trade unions and urging them to publicly support this policy.
6. To support a motion on free trade unions in line with this policy at TUC conference.



GMB congress, June 2019 (bit.ly/2koqFeg)

... Congress calls:

for Labour’s Manifesto to contain explicit proposals to implement laws to “ensure Britain abides by the global Labour standards of the ILO conventions”.

for Labour’s Manifesto to contain explicit proposals to implement laws about Trade Union rights to organise meeting the GMB’s stated policy aims including solidarity action; this will require the repeal of Thatcher’s and later Tory Trade Union “Reform” laws.

for the next Labour Government to repeal the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014...



FBU conference, May 2019 (bit.ly/2YMrbtb)

This Conference notes that the anti-trade union laws – not just the 2016 Trade Union Act, but multiple laws going back to 1980 – continually undermine workers' ability to organise and campaign. They mean our movement is fighting the challenges of low pay, insecurity and erosion of hard-won terms and conditions with our hands tied behind our backs.

This Conference also notes that in 2015, 2017 and 2018, Labour Party Conference voted for clear policy to repeal all the anti-union laws and replace them with strong legal rights for workers and unions, including strong rights to strike and picket... this has not yet fed through into the party's public campaigning.

Conference welcomes the Free our Unions campaign and associated statement for Labour to implement this policy that has been launched by a range of trade union branches and organisations, coordinated by *The Clarion* magazine. It is absolutely crucial for our movement to ensure the next Labour Government acts quickly and decisively on this and that the trade union movement hold them to account on this.

Therefore Conference demands that the Executive Council support this campaign and;

- sign the *Clarion* Free Our Unions statement for labour movement organisations [etc.]...

TUC Disabled Workers conference, May 2019 (bit.ly/2l0x6aJ)

... Conference is concerned that restricting voting to postal balloting only is both a tool to try and reduce participation, a cynical cost to unions who are industrially organising, but also unfairly impacts those disabled union members whose mobility is restricted due to their impairment. With the closure and relocation of post offices, postal voting becomes even more difficult for some disabled members... expanding legally compliant voting methods to electronic and phone-based balloting would be a reasonable adjustment to allow disabled union members access to participation in their ballots...

Conference calls on the [Disabled Workers Committee] to gain a legal view to whether lack of alternate voting methods might amount to unfavourable treatment for disabled members and coordinate constituent unions to fund and launch a judicial review of the restricted balloting method for industrial ballots.

Conference further notes that other provisions of the 2016 Act and of pre-existing anti-union laws restrict our rights to fight for disabled workers' rights, including: bars on 'political' and solidarity strikes; restrictions on political funding; and limits on picketing.

We welcome Labour's policy to scrap all anti-union laws and call on the party to campaign more boldly on this issue.



NEU conference, April 2019 (bit.ly/2mib7t1)

Conference notes

1. The large raft of legislation passed by Tory governments between 1980 and 2016 aimed at restricting legitimate trade union action.
2. The Tory laws have made solidarity strikes illegal and prevent unions taking political strike action. These laws prevent us striking to defend the NHS and prevent stronger groups of workers helping less well-organised workers.
3. The anti-union laws prevent effective picketing.
4. The Tory laws prevent unions taking prompt action involving us in long-drawn out, cumbersome balloting procedures.
5. The 2016 Trade Union Act stipulates high thresholds for turn-outs and 'Yes' votes in strike ballots and gives the state new powers to interfere in internal union affairs...

Conference further notes

1. Tony Blair's New Labour government was proud to retain the anti-union laws.
2. Labour's 2018 conference once again passed policy to abolish the anti-union laws: "Labour will form a radical government; taxing the rich to fund better public services, expanding common ownership, abolishing anti-union laws and engaging in massive public investment."
3. The Union membership has an immediate, pressing interest in seeing all the Tory anti-union laws abolished and replaced with a positive set of rights for workers: the right to join an effective trade union, the rights to picket and strike.

Conference instructs the National Executive to

- a. Work closely with the Labour leadership to see that Labour abolishes all the Tory anti-union laws.
- b. Organise and lead vocal and active campaigning on this issue, explaining to our members, the wider movement and all workers why this is such a crucial demand; and encouraging our local organisations to campaign with other unions and local Labour Parties.
- c. Campaign for the labour movement to organise support for trade unionists taking action in defiance of the anti-union laws.



Labour Party conference, September 2018 (bit.ly/2IW9yk8)

... Labour will form a radical government; taxing the rich to fund better public services, expanding common ownership, abolishing anti-union laws and engaging in massive public investment.



Unite policy conference, July 2018 (bit.ly/2IW9Fw4)

We need abolition of the anti-trade union laws, which hamstring workers organising and taking action, and their replacement with strong legal workers' rights...

We applaud the 2017 Labour Party conference's unanimous call for repeal of not just the 2016 Trade Union Act, but also the "anti-union laws introduced in the 1980s and 90s" by the Tories and maintained after 1997; and for a "strong legal charter of workers' rights"; "for unions to be effective workers need an effective right to strike".

This builds on the unanimous 2015 decision that the next Labour government should "legislate for strong rights to unionise, win recognition and collective bargaining, strike, picket and take solidarity action"...

... step up the campaign to repeal the Trade union Act 2016 and previous Tory antiunion legislation in favour of new legislation guaranteeing trade union freedoms

... campaign for strong legal rights for workers to join, recruit to and be represented by a union; strike/take industrial action by a process, at a time and for demands of their own choosing, including in solidarity with any other workers and for broader social and political goals; and picket freely...

... campaign for a complete ban on dismissal for industrial action, however long it lasts. Full rights from day one of a job...

... campaign for unions' right to decide their own policies and activities, determine their own structures and rules, and spend their funds as they choose, free from state and employer interference...

... ensure this campaign remains high profile in the run up to, and during, the next General Election...



IWGB statement, July 2018 (bit.ly/2kLD0Jq)

The Independent Workers' Union of Great Britain is backing the call supported by a growing number of trade union branches... for repeal of all anti-trade union laws and their replacement with positive legal rights for workers and unions to organise and take industrial action.

A recent statement, initiated by the Lambeth local government branch of Unison, welcomes the policies to this effect passed at last September's Labour Party conference and seeks to ensure they are carried out.

As Labour's policy says, "for unions to be effective workers needs an effective right to strike". This requires the anti-union laws, from the 2016 Trade Union Act back to Margaret Thatcher's first Employment Act in 1980, to be scrapped. In their place we need strong legal rights to organise, strike, win reinstatement, and establish recognition and collective bargaining...

We call on other labour movement organisations, from branches up to national unions, to add their names... and look forward to taking part in coordinated campaigning on this.



Labour Party conference, September 2017 (bit.ly/2ATm3jU)

Our manifesto rightly said: the most effective way to maintain good rights at work is collectively through a union. Strong unions, freed from legal shackles and bolstered by positive legal rights, will be key to tackling poverty, insecurity and inequality, transforming society and creating an economy that works for the many, not the few. For unions to be effective, workers need an effective right to strike....

Repeal the TU Act and anti-union laws introduced in the 1980s and 90s...

Labour Party conference, September 2015 (bit.ly/2ATm3jU)

... the Trade Union Bill... attacks unions' right to fund a working-class political voice, including the vital link between unions and our party...

Workers' rights, including the right to strike, are essential to the labour movement's ability to stand up for workers' interests, and democracy...

Labour to commit to repeal the Bill and all associated legislation/regulation when Labour returns to Government and to introduce a comprehensive package of employment rights compliant with ILO core conventions and European human rights obligations, along with the levelling up of workers' rights across the EU; legislate for strong rights to unionise, win recognition and collective bargaining, strike, picket and take solidarity action...

Free Our Unions was set up in 2018 by Lambeth Unison and the Labour left magazine *The Clarion*. It is now backed by over sixty union branches, trades councils, reps committees, etc., across the country, as well as three national unions (FBU, RMT, IWGB) and a number of CLPs.

More at

- theclarionmag.org/campaigning-against-anti-union-laws

For the Free Our Unions statement for unions, Labour Parties, etc., to sign, see

- bit.ly/2IgQELv

More information/get involved

- freeourunions@gmail.com

