

TUO 20-2014 Appendix 4

Napo guidance on Transforming Rehabilitation Trade Dispute and Picketing.

What is a Picket

A picket is a person or group of people who stand outside a workplace to establish a boundary, known as a picket line, which others are asked not to cross for the duration of the strike.

Before the day

Put together a list of all staff in your workplace and make sure that you find some time to talk to each one of them individually if possible.

- Ask them to strike and ask them what they will do on the strike day.
- Ask those committed to striking to speak to their colleagues who may not be so committed. Remember friends and colleagues are more likely to influence them than strangers.
- Ask them to help out on the picket line, explain that it is important for the union to have a public presence outside the workplace on the day and that it will be fun!
- Think about how you will reassure members about striking, particularly if they have been put under pressure by the Trust not to strike.
- Ask non-members to join the union, so that they can strike.

Hold a meeting for all staff

This may have to be in the car park or off-site, as the employer is unlikely to provide facilities – think about doing this at lunchtime or immediately before or after work. You may need to run more than one of these meetings. Invite non-members and ask them to join (remember to have a supply of application forms).

The Trust may put staff under pressure not to strike by meeting with them individually and asking them not to strike. Speaking with members first and giving advance warning that the employer will do this and that they have the legal right to strike and need not be intimidated is important to encourage participation.

Materials and preparation

Think about all the things you will need for the day:

- Make contact with your local UNISON reps to advise them about Napo's planned action.
- Identify which workplaces it will be practical to picket (please remember Napo will NOT picket Approved Premises).
- How many entrances are there to the workplace?
- Where will you stand? You will need to avoid being on private property. Any planned protests on the employer's property should be discussed with the employer in advance and confirmed in writing.
- What is the minimum number of pickets that you need at your workplace and across the branch to cover each entrance fully?
- Get mobile phone numbers for all those helping out on the picket lines
- Make sure each picket line has official Napo placards and armbands (Resources will be sent to your named contact before the end of the week).
- Make sure every picket has read the 'Legal Rights' and 'General Organisation' section in this guidance before joining the picket line.
- How will you encourage members not to go into work?
- Think about what you will say to non-members who attempt to go into work?
- Do you have enough recruitment packs for the picket line?

- Make sure each picket line has some leaflets to give to staff (You will receive leaflets for the general public and for staff with your resources sent to your named contact)
- Think about what will you say to the public?

On the day, make sure that:

- On the 31st March make it an occasion with all staff walking out together at 12 noon at the start of the strike period.
- On the 1st April arrive early, at least 15 minutes before the first person is due to go into work. Remember some people will try to avoid the picket line by arriving especially early.
- Pickets have all the information and materials they need and before they join the picket line they have read the 'Legal Rights' and 'General Organisation' section in this guidance.
- Every entrance to a workplace identified for picketing has a picket line.
- Pickets know what time people will be arriving at each entrance (you may be able to predict times when more people will arrive).
- Someone can be allocated to get hot drinks at a suitable time.

So, what do you do when you have tried everything, but your colleagues still try to cross the picket line to go into work?

- Approach them, make eye contact and try to engage them in a conversation. Remember to be polite and inoffensive at all times
- Don't make it personal, always refer back to the issues
- Your first contact is important, so choose your questions carefully. Ask open questions to provoke responses, such as:
 - ✓ How do you feel about what the government is doing to the Probation Service?
 - ✓ What do you think we need to do to win our case?
 - ✓ Why do you think the government feels it can get away with attacking our terms and conditions?
 - ✓ Do you know that privatisation will destroy an award winning service?
 - ✓ Do you agree that government plans to split risk between a National Probation Service and 21 Community Rehabilitation Companies poses serious risks to public safety?
- Some people may say they support the union, but will not strike. Explain that going into work means supporting the government's plans and undermining colleagues and our strike.

- Show them they will make a difference. The government will want to know how many people took action on the day and **every striker will count**. The more people that take action, the greater the impact and the better the chance we will have to **stop the share sale!**
- Some people will say they cannot afford to lose a day's pay. Explain that as employees we never get something for nothing. Everything we get has to be fought for and this involves making sacrifices now to prevent having to suffer greater losses in the future.

Legal rights

The Trust cannot prevent peaceful picketing; it is our established legitimate right.

Picketing is not a form of industrial action but is the means by which some forms of industrial action, especially strikes, are made more effective. The statutory immunity for picketing is contained in section 220 (1) of the Trade Union and Labour Relations (Consolidation) Act 1992, which states:

“It is lawful for a person in contemplation or furtherance of a trade dispute to attend at or near his own place of work...for the purpose only of peacefully obtaining or communicating information, or peacefully persuading any person not to work or to abstain from working.”

Therefore, picketing is lawful only in these circumstances.

The DTI code of practice PL928, section A, paragraph 2 says: “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 limits on how, where and for what purpose such picketing can be undertaken.”

More details are also available on the DTI web site and the guidance is attached to this information:

The code of practice also points out that attendance for the purpose of picketing may only:

- Be undertaken in contemplation of furtherance of a trade dispute
- Be carried out by a person attending at or near his own place of work
- A trade union official (or representative), in addition to attending at or near his own place of work, may also attend at or near the place of work of a member of her/his trade union whom he is accompanying on the picket line and whom s/he represents
- Furthermore the only purpose involved must be peacefully to obtain or communicate information, or peacefully to persuade a person not to work.

General organisation

Our preference is for each picket line to have an appointed picket steward, preferably a Napo representative, who will be in charge of the picket line. Ideally, this person should be contactable by mobile phone. This will help you co-ordinate things locally on the strike day.

All pickets should be aware of the law and understand that picketing must be peaceful and lawful. Members should only picket at or near your place of work. Official pickets should wear some form of identification (i.e. arm bands, badges etc).

There is no legal restriction on the number of people who may picket a workplace entrance or exit except that the number should not be so great that it might cause fear or distress among those seeking to cross. The DTI code of practice suggests that organisers should ensure that, in general, the numbers should not exceed six pickets at each entrance or exit, **though this is guidance only and not the law.**

Pickets can explain their case to those entering or leaving the picketed premises, and/or ask those within the ballot category not to enter or leave the premises where the dispute is taking place. Pickets are encouraged to be bold and speak to members (and non-members) within the ballot, and seek to persuade them to support the strike.

Nevertheless pickets should not physically attempt to stop a person or vehicle from entering an office or site and a person who decided to cross a picket line must be allowed to do so. Courteous but firm communication to people is the means for this, together with the distribution of leaflets or holding banners or placards putting the union's case. Our message to members in the ballot is to support the dispute and not go into work. Our message to non-members in the ballot is to join the union (they can sign up on the picket line) and not to go into work.

Always take the opportunity to talk to members of the general public and explain the reasons for the industrial action.

Relationships with the police

The police may well attend or visit a picket line. Always be polite and helpful when they attend – where appropriate introduce them to the picket steward and reassure them that we intend peaceful picketing only. Pickets should co-operate with the police in any requests to keep the street free from obstruction and should obey any instructions regarding the placement or numbers of pickets. Doing so helps respond to any allegations by the employer about unruly pickets.

*If you have any further questions on picketing please contact:
Ranjit Singh at rsingh@napo.org.uk or on 07595953989.*