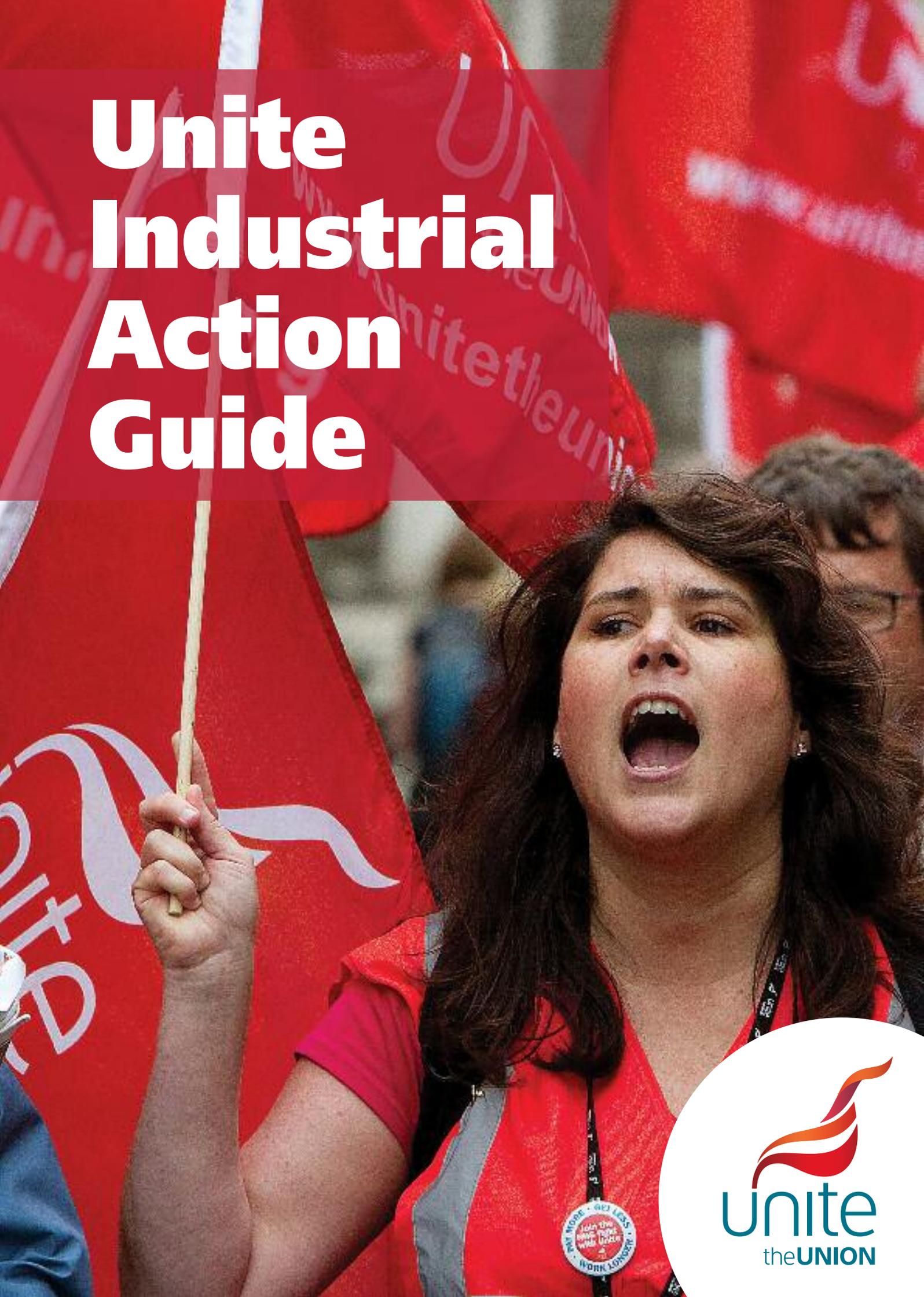


Unite Industrial Action Guide



Unite the union
Construction



Peaceful if we may – Forceful if we must

de-skilling
pay cuts





Foreword

Unite is a union that proudly stands shoulder to shoulder with its members and the wider communities of our nations; advancing our values of fairness, justice, dignity and respect; organising, inspiring and energising those at work alongside those without - linking the generations, men and women, young and old. Raising our collective consciousness and confidence is the task of our movement if we are to win the many battles we face.

This guide offers practical support and guidance to officers and senior shop stewards that will assist in both the organising of industrial action; its preparation and forms, legalities and strategies to win, as well as in the everyday organisation of workplaces across their allocations.

Many of the issues covered in this guide will be 'normal business' to some while being an inspiration to others. Our aim is to give you the tools to get working people – our members – in the best possible position to advance their interests at work.

Working people take industrial action as a last resort, when negotiations have failed to deliver the protections or advances being sought or following an unacceptable imposition of change. When the decision is taken to prepare for action, it is our duty to ensure we are with them all the way; organising, guiding and supporting their every move.

I am confident that this guide will go a long way towards ensuring we rise to this challenge.

In solidarity

A handwritten signature in black ink that reads "Len McCluskey". The signature is written in a cursive, slightly slanted style.

Len McCluskey
General Secretary

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Introduction

Disputes arise for many reasons; in support of claims for improvements to pay and other terms and conditions, in defence of established agreements, as a response to attacks on union organisation, and a dismissal or to save a workplace from closure, redundancies or relocation. Workers seeking to defend themselves or others or to advance their interests at work may take a variety of actions; direct and indirect, official and unofficial.

Our members won't blindly vote for strike action out of loyalty to the union or to work colleagues. They need to believe that what they are fighting for is fair and just and that their employer('s) actions are unacceptable. We need to agitate for a growing sense of anger, nurture and organise that anger and instil a confidence in our members that by taking action they can win. We have to take people on a journey to industrial action.

In all cases if we are to give our members the confidence to stand up and fight back, they need to know that their union is standing shoulder to shoulder with them. Supporting their fight, developing arguments, networks and alliances that will build power and their overall capacity to win.

This guide aims to assist our officers to develop the necessary skills to prepare for, organise and win strikes. It also provides practical examples of how to organise action, ideas for broadening issues beyond the workplace and resources, model letters, templates that we trust you will find useful.

We provide a chronological examination of what we need to do and when; timetables, notice letters and required authorities that ensure we do everything we can not to fall foul of the complexities of the legal framework we currently operate within, including a step by step guide to balloting.

Most importantly we hope that it guides you on how to give our members the best possible opportunity of winning on the issues important to them.

Note

Much of what is contained here will be 'normal business' for officers and sections; the mapping of employers vulnerabilities, updating of membership data and confident organisation of members should be a constant and not something that simply happens as you move towards a dispute.

Section one:

Preparing for industrial action



Section one

Preparing for industrial action

Our journey to a successful outcome starts in our early and on-going preparation.

Mapping employers and collating information we have on them – collating collective bargaining agreements and ensuring that our membership data is complete and up-to-date is a continuous, systematic task that all officers should be on top of across their allocations.

1. Identifying the trade dispute

This may seem like a very straightforward issue but identifying the actual issue(s) in dispute early on is really important. This is not simply from a ‘messaging’ point of view but from a legal one. The union’s immunity from liability during a dispute arises from the fact that the dispute is ‘a dispute between workers and their employer, which relates “wholly or mainly” to one or more of the following:

- a. Terms and conditions of employment, or the physical conditions in which any worker is required to work;
- b. Engagement or non-engagement, or termination or suspension of employment or the duties of employment, of one or more workers;
- c. Allocation of work or the duties of employment as between workers or groups of workers;
- d. Matters of discipline;
- e. Workers membership or non-membership of a union;
- f. Facilities for officials of trade unions; and
- g. Machinery for negotiation or consultation, and other procedures, relating to any of the above matters...¹

As can be seen from the above, this is a very wide definition and with most disputes, the issues involved will be very clear and easily described.

If you are in any doubt about the nature of your dispute you should contact the legal department at central office for advice.

2. Working with other unions

In workplaces where we share joint union recognition with one or more sister unions it is vital that we work together from the outset on our dispute preparation and organisation. This is the case even where other unions may not be involved in our trade dispute or balloting their members for industrial action.

TULRCA 1992, s244 or Trade Union and Labour Relations (NI) Order 1995 in Northern Ireland

Section One: Preparing for industrial action

An early discussion of tactics, planning and organisation of the ballot and development of the strike will prevent issues emerging at a later stage in the dispute that an employer may be able to exploit. Cooperation and solidarity between us is important. Advice in this guide should mean working with sister unions at all stages where appropriate.

3. Using ACAS as a conciliator*

The Advisory Conciliation and Arbitration Service (ACAS) is available to conciliate between parties to a dispute so long as both parties agree to their involvement. Involvement is on a voluntary basis, no party can be compelled to engage.

ACAS can be helpful in a number of ways and its regional set up enables meetings to take place in local offices across our regions. Offering to use their services can often delay the implementation of change being proposed and allow for further discussion in a less confrontational environment. This time can also be used to ensure our preparation is complete should negotiations fail.

- Collective conciliation can bring new ideas and experiences into play that can be helpful finding a resolution.
- Arbitration is a process in which ACAS provides an independent arbitrator to rule on the evidence put before them by both parties to a dispute. The findings of the arbitrator are binding on both parties.
- Arbitration is a perfectly legitimate route to take so long as our members understand and accept the process. It must be voluntarily entered into in the full knowledge that the outcome is binding. The terms of reference for any arbitration must be jointly determined and it is vital that our evidence is well researched and carefully constructed so as to present the best possible case to the arbitrator.
- ACAS can be contacted via their Regional Offices. Details can be found at www.acas.org.uk or the Labour Relations Agency in Northern Ireland.

4. Who are you balloting?

From a legal point of view it is for the union to determine who we ballot and when. This decision will be informed by the issues in dispute and the strength of feeling towards them across different groups to the workplace. The outcome of workplace discussions and any consultative ballot that has been organised may assist in this discussion with the strike committee.

- While involving groups in a ballot who are not directly affected by the issue(s) may have a detrimental impact on the overall result, not involving them will restrict any action to the smaller group we have actually balloted.

* The Labour Relations Agency in Northern Ireland

5. Updating membership data

The need to confirm the data held by the union on each member we intend to ballot should be viewed as an opportunity. It gives our stewards and activists the opportunity to speak with every member about the dispute and why it is so important for them and their future.

- As part of the wider membership engagement, walking the floor also enables a 'skills audit' to be completed, identifying the hidden talents of members, many of whom will be willing to assist in social networking, materials, banner painting, company research, media interviews and community networking.

The holding of accurate data by the union is essential to a successful ballot. This is not simply due to the need to comply with evermore complicated balloting legislation, but is fundamental to our belief that it is our members that collectively hold power.

Three easy steps to updating data

The strike committee should allocate the responsibility for 'walking the line' to named individuals who will be responsible for specific areas and/or sections of the company.

- Membership lists should be obtained from 'Stratum' for all members working within the bargaining unit (workplace or company).
- Using the template (appendix one) current membership details should be added to the forms in appropriate groupings by area or workgroup.
- Forms should be allocated to a specified person by the strike committee. This person will be responsible for personally contacting and speaking to all members on their forms, checking the data for accuracy and completeness as well as, identifying new activists and 'hidden talents' such as campaigning skills amongst our membership.

Using the template form allows you to check the following information and identify any changes/additions so that the updated information can be put into 'Stratum'. It is important that this is done for every member, irrespective of how they pay their union membership dues;

- home or mailing address if this is different
- workplace (actual place of work, not employers address)
- workgroup or occupation

In addition, we should use the opportunity of talking to every member to collect additional information we may not already have that will help us to communicate with them more effectively during the dispute; home/mobile phone number and email address.

Section One: Preparing for industrial action

This information is required not simply for the ballot itself. We have a statutory responsibility to provide the employer with details of who we are balloting as well as who the union is subsequently calling on to take industrial action.

6. Forming a strike committee

Early on in the preparations of a dispute, officers should establish a strike committee. This will be based on our existing shop stewards' organisation, but will provide a focus and platform to engage with a wide range of workplace activists and members.

It is important to develop an early sense of collective responsibility for developing a strike plan and wider dispute strategy. The strike committee must take responsibility for the development of the dispute; its organisation, tactics and strategies, communications and messaging as well as wider community networking. Each of these areas is covered in this guide.

- Members of the committee should be tasked with specific responsibilities to further the dispute plan.
- Establish a dispute office, off-site and accessible. The local union office may be available for this, otherwise arrangements should be made with a local labour movement body, trades council, tenants group or community organisation to use some shared space.
- A list of members' telephone numbers should be collated to maintain contact and organise events/actions, sometimes at short notice.
- TPO sim cards² should be provided to all contacts to enable free text messaging and calls between strike committee members and activists.

The Central Office departments can assist with training for strike committees on issues such as; organising to win, effective picketing, media and interviewing skills, research, public speaking, leaflet preparation and materials development.

7. Mapping company vulnerabilities

A second and equally important role in preparation for any dispute is our ability to gain a thorough understanding of how the employer operates; what they do, how they do it, with what and for whom?

- Officers must take responsibility for working with the strike committee to ensure that they fully understand the potential vulnerabilities of the employer. The template at appendix two will help to identify vulnerabilities.

² TPO (The Peoples Operator) is a Unite backed mobile phone operator providing cheap phone services to members and free TPO to TPO calls and text messaging.

Section One: Preparing for industrial action

This early work is central to the development of any strategy to win – understanding; ‘just-in-time’ supply lines, potential distribution choke points, stock and lead times, raw material and energy supply are important factors to consider, and this work should be on-going across your allocation.

In addition:

- Understanding employer(‘s) vulnerabilities in relation to; sensitive clients and suppliers’, service or product supply peaks, ownership/shareholder structure and financing and political sensitivities give an added dimension to a campaign.
- The majority of the information can be obtained from the membership itself; workers involved in the process will have to hand information on delivery schedules for materials and supplies, penalty or default clauses in contracts and supply chain partners, including distribution companies used.

For a more strategic understanding of how you can use this information during a dispute see section four; Leverage.

8. Networking and building wider links

Attracting wider community support for your dispute will be of great assistance to your campaign. You should work to identify groups that would be either sympathetic to the issues in dispute or broadly supportive of the work done by our members. For example; service providers will want to engage with those who benefit from the service and rate it highly, while a workplace closure will have a dramatic impact on a local community, as jobs are lost alongside a stable income and spending reduces on local services and facilities as well as on the high street.

- Identifying potential allies is an important element to dispute preparation. Whether it’s anti-cuts groups, trades councils, other unions, tenants associations, youth groups, elderly or disabled communities, politicians or journalists they can all play an important part in winning our dispute.

Early links should be made with the local trades council who can circulate materials and generate support from union branches in the area, Unite Community Groups and local branches should be contacted and specific solidarity actions developed with them. A wider supporters group can be established bringing together the local labour movement, councillors and MPs as well as community groups and activists.

Section One: Preparing for industrial action

- Supporters and members can leaflet and petition local communities in support of the dispute. High street collections and petitions can be a very useful way of funding the dispute as well as drawing in practical support.

It is important that you think through your messages and try to tap into core social values of your community. We are often rightly accused of speaking to ourselves in leaflets and propaganda materials and this is an opportunity to develop materials that broaden the issues involved to wider values of social justice and fairness, as well as their impact on services provided, local jobs and social cohesiveness.

Assistance and support on ‘messaging’ and approaching various groups can be obtained from the unions regional and national departments.

9. Practical materials and resources

A visual union workplace presence is essential at any time; notices, leaflets, regular newsletters and badges assist our organising activity on the ground and help to build a sense of solidarity, identity and ownership of the union by our members. During preparations for a dispute being clear about the issues involved, our demands and actions to support them is vital.

- Newsletters and leaflets keeping members informed of progress – or the lack of it – during negotiations can be difficult as so much can ‘come and go’ during a negotiation.

However, materials reinforcing our demands and the legitimacy of the members’ claim; its affordability and reasonableness, are essential and coupled with the employers continued refusal to reach agreement are powerful messages in preparation for any dispute.

- While officers should encourage the strike committee to work on materials themselves, Unite’s Regions and Central Departments can assist in their production; whether this is a leaflet or poster, postcard, placard or petition.

10. Establishing a strike fund

Financing a dispute is rightly the responsibility of the union; propaganda, flyers, leaflets, flags, banners, strike pay and official resources. However, raising additional funds specifically to support a strike is a way in which all members can get involved in building their campaign and building upon ‘official’ resources.

A strike fund can be used to pay additional hardship monies to members, fund picket line provisions; entertainment, food and drink, a barbecue and/or braziers or provide resources for social events that bring together families and our wider communities in support of the dispute.

Four easy steps to setting up a strike fund

- 1 You will need to have a bank account that can receive monies.
 - Your union branch account with Unity Trust Bank will already be in operation and can operate as a strike fund account. Establishing a new account or even changing the name of an existing account will take time and require supporting paperwork, references and signatures.
- 2 You will need to advertise the branch account name, sort code and account number for supporters to make payments either electronically or by cheque. Payments can be made over the counter with this information at any High Street Bank or Building Society.
 - Cash collections can be held as petty cash for picket/dispute expenses or the cash will need to be banked and a cheque/transfer completed to the strike fund.
- 3 You should ensure that all donations are accounted for and receipted where possible alongside any expenses drawn or payments made.
- 4 Many strike funds raise money via a regional or national appeal to other branches and regions of the union as well via street collections (bucket collections). A member's strike levy can also be paid directly into a strike fund. Your Regional Secretary will be able to assist with any such appeals.

In larger disputes a more general financial appeal can be made by the union nationally to the wider labour and trade union movement, both at home and internationally. Officers should speak with their national officer to discuss any such requests.

11. Consultative ballots

Running a consultative ballot can be a very useful exercise so long as time permits and the circumstances are right. An informal consultative ballot gives us the opportunity to test the strength of our argument(s) as well as the resolve of our members. A good campaign, followed by a strong vote supporting the union, can often lead to growth in membership and an improved level of union organisation as well as further movement from the employer in negotiations.

- In deciding the right course of action you must remember that the employer(s) are not neutral parties and not only will see this as an opportunity to influence our members, but a useful time delay, giving them time to build up stocks and organise effective measures to maintain services or production in the event of a dispute.

Section One: Preparing for industrial action

- If the circumstances are right and we are going to consult our members it is vital we win. To lose a consultative ballot where we have recommended a rejection would not only end the dispute but show real signs of a weakness in our influence and organisation at the workplace. Something that may provoke further attacks on our members and union organisation. A model letter notifying agencies of a potential dispute can be found at appendix three.
- Consultative ballots are not governed by statute or regulation; it is for the union to determine how they are conducted and over what timescale. It is Unite's view that they should be held at the workplace – by secret ballot or by show of hands – following open membership meetings.

Whichever method is chosen, all members affected must be given the opportunity to vote following a full and proper briefing on the issues and where questions can be answered, concerns addressed and any weaknesses in our organisation identified for further work.

12. Agency Labour

It is unlawful for an agency to provide labour to a company if that labour is to be used to replace workers taking lawful industrial action or replace workers themselves redeployed to replace workers taking action.

- This provision can be found in Regulation 7 of the Conduct of Employment Agencies and Employment Businesses Regulations 2003*. The agency has a legal defence if it can show that it did not know or could not reasonably have known that official industrial action was taking place. A model letter notifying agencies of a potential dispute can be found at appendix three.

The strike committee should compile a list of any agencies used, or that could be used, by the company during the preparations for the dispute. A letter should be sent officially from the union to the Managing Director of each explaining that official industrial action is being taken on specified dates and that we would expect the company to comply with the provisions of the Regulations by not supplying any labour to cover this period. A second model letter providing details of the actual dispute can be found at appendix four.

- Should an agency provide labour in breach of the Regulations they can be prosecuted at the Magistrates Court and fined up to £5,000 per offence as well as being banned from holding office in any employment agency for up to 10 years. Fines can be unlimited at Crown Court.
- Should you have evidence of your employer using an agency to break your dispute contact Unite's legal department at Central Office and report it to the Employment Agency Standards (EAS) Inspectorate on 08459555105, where you can make a formal complaint and trigger an urgent investigation.

* *Conduct of Employment Agencies and Employment Businesses Regulations (NI) 2005*

Restriction on providing work-seekers in industrial disputes

7.—(1) Subject to paragraph (2) an employment business shall not introduce or supply a work-seeker to a hirer to perform –

(a) the duties normally performed by a worker who is taking part in a strike or other industrial action ("the first worker"); or

(b) the duties normally performed by any other worker employed by the hirer and who is assigned by the hirer to perform the duties normally performed by the first worker, unless in either case the employment business does not know, and has no reasonable grounds for knowing, that the first worker is taking part in a strike or other industrial action.

(2) Paragraph (1) shall not apply if, in relation to the first worker, the strike or other industrial action in question is an unofficial strike or other unofficial industrial action for the purposes of Article 143 of the Employment Rights (Northern Ireland) Order 1996

Section two:

Forms of industrial action



Section two

Forms of industrial action

1. Strike action or action short of a strike?

Industrial action can take many forms all of which are protected by a ballot of our members. The important question to ask early on in preparation for the ballot is; given the information we have about our employer, what action(s) will be most effective?

- Strike action itself is the withdrawal of your labour, either for a discontinuous period of one or more days with breaks in-between or for a continuous period of time. Action short of a strike can involve many other actions such as; working to contract or 'to rule', refusing to cooperate with your employer by completing paperwork or using company phones, refusing to work overtime beyond contractual hours or rest day working.
- Maximum flexibility would be gained by asking two questions on the ballot paper; 'Are you prepared to take strike action?' and 'Are you prepared to take action short of a strike?'

It maybe that given the issues involved and the time available to act, only strike action would be effective. If this is the case asking the second question on the ballot paper may dilute the message and give members an alternative voting option. This may ultimately be unhelpful as some members may vote for action short of a strike while voting against a strike itself, believing that the dispute can be won by taking weaker actions and preventing a strike call.

- The strike committee needs to consider its options in light of other work being undertaken in preparation for the dispute; vulnerability mapping and leverage planning, as well as work done to reinforce membership confidence and a 'willingness to act' on the issues in dispute. Examples of strike and non-strike action can be found at appendix five
- In a joint union workplace ensure that all unions are working together and in agreement with the types of actions being considered and that all unions are asking the same questions of their members in the ballot.

2. Continuous or discontinuous action?

The question of whether industrial action should be taken on a continuous basis; i.e. for a defined or open period of time greater than covering more than one day, or discontinuous basis, i.e. a series of days with normal working in between, is a question of tactics and effectiveness.

Section Two: Forms of industrial action

Working with the strike committee you will need to ensure that any industrial action is effective and in doing so should consider whether tactical strikes on key days/dates would be more effective than a continuous two, three or five day stoppage. Further, the timing of disputes to ensure that the action crosses over more than one day in a 24 hour period should be considered; i.e. a noon to noon stoppage covering two days may be more effective than a single midnight to midnight one.

- The effectiveness of any action will of course depend on the type and nature of the business operation, one strategy does not fit all. Only the strike committee can determine what the most appropriate form of action should be and any lessons learnt can be reflected in further notices to the employer as the dispute progresses.
- In addition the strike committee will need to consider carefully who they are intending to call out on strike. Balloting all members for strike action does not mean that we have to take them all out at the same time.
- The committee should consider whether or not calling out small, but core groups in key areas of the business may have the maximum impact on the business; i.e. engineers, IT workers or those with high visibility or a public focus.

Such a strategy may disrupt the company's operation while keeping up its costs as the majority of members remain at work at any one time. This also gives us the option of introducing a levy on those in work to provide additional monies to those taking action.

- In the 2011 Southampton City Council dispute, this tactic enabled members taking strike action to remain on strike without loss of earnings.
- In disputes involving members collecting revenue such as parking or bus services, one tactic may be to take action limited to a refusal to collect revenue while maintaining a service to the travelling public. Our dispute is not with the users of services but the employer. Keeping our members at work keeps cost up and our members in paid work while severely affecting revenues.

It is important to ensure however, that all members are involved in some sort of action together – maybe at the start and at regular intervals throughout the dispute. This ensures that all members have a 'stake' in the dispute and that it is not seen as a battle to be won or lost for all by a small group.

Section three:

Getting the legal bits right



Section three

Getting the legal bits right

For the union to avoid any liability for damages any industrial action must be 'protected' by a ballot of those members involved in the dispute, and only including those who we intend to call to take action 'in contemplation or furtherance' of the trade dispute (TULRCA 1992, s219).^{*3}

Giving the employer notice of a ballot and/or industrial action

This area of employment legislation creates more challenges to union ballots than any other. The statutory provisions are complex and have been stretched on many occasions at the High Court as employers seek injunctions to prevent industrial action. It is vital that we get these notifications to employers and our members' right.

We must provide three separate letters to the employer;

- 1. Seven days' notice of our intention to ballot**
- 2. Immediate notification of the ballot result in the form of the Independent Scrutineers Report – the same information must be provided to all members balloted at the same time**
- 3. Seven days' notice of any industrial action we intend to call.**

1. Notifying your Regional Secretary and gaining authorisation to ballot

Officers must complete a Dispute Report and Request for Industrial Action Ballot form and send this as soon as possible to their Regional Secretary for approval. The form (see appendix 6) should be completed in full, with as much detailed information as possible to enable the Regional Secretary to support your application and the union's legal department to assist in drafting notification letters to the employer(s) involved.

2. Notice of our intention to ballot – first letter to the employer

This first letter gives seven days formal notice to the employer(s) of our intention to ballot members for industrial action, when the ballot will open and close and provides them with a copy of the ballot paper we intend to use. The law says that we must identify those we intend to ballot, their work groups and work places. This is not necessary for those members who pay their union subscriptions by check-off⁴ but is an absolute requirement on us in respect of any who pay manually or by direct debit.

The ballot paper must be clear on what we are asking our members to vote for. In preparing for your ballot you will have considered the likely type of industrial

³ In Northern Ireland these provisions can be found in Trade Union and Labour Relations (NI) Order 1995

⁴ The employer has the necessary information from their own records and can deduce numbers, work groups and workplaces for themselves

Section Three: Getting the legal bits right

action members will need to take in support of their dispute. Will it be actual strike action, some sort of action short of a strike such as an overtime ban or a mixture of the two⁵?

You have two options for the ballot paper; firstly a straightforward single question referring to strike action and secondly, two questions on the same paper the first asking if members are prepared to take strike action and the second industrial action short of a strike. In both cases the exact wording of the question is determined in law and, along with the ballot paper itself, will be drawn up by the Independent Scrutineer.

There are a number of issues for you to be aware:

- Firstly, it is vital that we give notice to the correct and specific employer(s) of the members we are proposing to ballot for industrial action. Spelling mistakes and other errors in the actual employers name often lead to successful legal challenges.
- Secondly, our membership audit and workplace mapping will have identified all members who pay their membership dues other than by check-off. These members must be specifically identified in the notice of ballot to the employer; not by name, but by the number in each work group and at each location⁶. This is not difficult to get right if the preparatory work has been done but it is the area we are most commonly challenged on.
- Thirdly, we can only ballot those members who we reasonably expect to call upon to take industrial action. This is a particular issue if members may be leaving during the balloting period due to redundancy. A member dismissed during the ballot period will not affect the ballot outcome but five per cent of the membership leaving as a result of voluntary redundancy may.

If we are aware that redundancies are taking place it is vital that you speak with the legal department about contacting all members with a short questionnaire as part of your preparation for the ballot. We must ensure that additional wording is included in the ballot paper, making it very clear that anyone leaving employment before the first day action should not vote.

A copy of the ballot paper to be used in the ballot must also accompany the notice of ballot letter. Its specific wording is determined by legislation and the ballot paper will be supplied following your instructions on the question(s) to be asked by the Independent Scrutineer.

⁵ For a list of the types of action covered by each question see appendix five

⁶ This is two separate lists to accompany the notice of ballot letter and it is vital that we have the correct information from members themselves concerning what they actually do and where they work from. This is their actual workplace at the time of the ballot.

SUMMARY – NOTICE OF BALLOT LETTER

- **Seven clear days' notice to each separate employer involved in dispute**
 - **Check exact employer name for each workgroup**
- **You DO NOT have to identify number or workplace locations of check off members**
- **You DO have to identify number of non-check off members in two separate lists by;**
 - **Work group**
 - **Location**
- **The notice must identify when the ballot will open and close**
- **A copy of ballot paper must accompany the notice**

3. Notice of the ballot result – second letter to the employer

The ballot will close at noon on the notified date. The Independent Scrutineer will supply the union with a formal Scrutineers Report usually by mid-afternoon on the closing date. The Scrutineers Report must provide specific information to meet statutory requirements.

- Number of ballot papers returned
- Number voting YES
- Number voting NO
- Number of Spoilt Papers

The Scrutineers report and the specific information above must be provided as soon as we possibly can to the employer and our members involved in the ballot. There must be no delay in providing this information. It should be forwarded to the employer by email and fax (where this is available) by first class mail. You must ensure that arrangements are in place for representatives to receive this information from the union by email, including ready to print off copies for union notice boards and batches for workplace canteens/rest areas.

Where we have mobile phone numbers and email addresses for members group texts and emails can be sent with the four pieces of information and a link to the union's website where the full Scrutineers Report can be found. If required following legal department advice, the union will make arrangements to mail members directly with the Scrutineers Report in addition to the above measures.

SUMMARY – PROVISION OF BALLOT RESULT

- **The Independent Scrutineers Report must be forwarded to the employer and members we have balloted without delay.**
- **Employers should be informed by email, fax and post.**
- **Members can be informed by posting the Scrutineers Report on notice boards and making it available in rest areas.**
- **In addition, the union can text and email members the four statutory pieces of information and in some cases will mail the full report directly to members involved.**

4. Gaining authorisation to take industrial action

Having obtained a positive vote in your ballot for industrial action, authority will need to be sought to give notice of industrial action to the employer(s) involved. Officers should complete the Request for Call for Industrial Action form (see appendix 7) and send this immediately to the union's legal department.

- This authorisation is provided from the General Secretary via the union's legal department and a request to give formal notice should be made to them. The legal department will also work with you to draft an appropriate letter to the employer(s).

5. Giving notice of industrial action – letter to the employer

Having jumped the hurdles of the balloting process and securing a yes vote we now have 28 days from the date of the ballot closing to take industrial action, if we take no action within 28 days the ballot falls.

The 28 days INCLUDES the seven days' notice of action we must give the employer. Therefore we have a maximum of 21 days from the close of the ballot before we must give a statutory seven days' notice of industrial action.

- By agreement with the employer(s) the twenty eight days can be extended by a maximum of another 28 days, giving a maximum of 56 days in total if this assists us in negotiating a settlement.

The type of industrial action you are able to call is determined by the question they have voted YES to in the ballot. You cannot give notice of strike action if this is not mandated by a majority YES vote in the ballot for industrial action.

Only the General Secretary can authorise industrial action on behalf of the Executive Council. A letter authorising action following a successful ballot will be sent from the legal department to the officer(s) responsible. No notice of industrial action should be sent prior to receipt of official authorisation to do so.

Section Three: Getting the legal bits right

- In your notice of industrial action letter you must be specific about who you are calling on to take the action, what action you are calling for and over what period the action will be taken.
- The action you call can be continuous; i.e. from 00.01 on Monday 5 July to 23.59 on Wednesday 7th July, or discontinuous; i.e. commencing at 00.01 and ending at 23.59 on each of the following days, Wednesday 7th July, Wednesday 14th July, and Wednesday 21st July.
- In addition to the details of any action you propose to take, the notice of action letter must also provide an updated list of the numbers taking action, and in respect of non-check off members the workplaces and workgroups they belong to.

In some cases this will have changed between the first notice of ballot letter being issued and the point at which we want to take action.

The employer has plenty of scope for a legal challenge here and so maintaining accurate records of our membership and any movements, joiners and leavers, during this period is really important. The lists of members are provided in the same way as for the notice of ballot letter above.

SUMMARY – GIVING NOTICE OF INDUSTRIAL ACTION

- **You must give a full seven days' notice of any industrial action.**
- **The action called must be protected by the ballot question and majority vote.**
- **Notice must be issued within 21 days of the ballot closing unless an extension is agreed by the employer.**
- **Notice should not be issued after 5pm and must be issued on a working day (Monday to Friday).**
- **You must be clear about who you are calling out and for what period.**
- **You must be clear about the action we are calling on members to take.**

Section four:

Winning the ballot and strike



Section four

Winning the ballot and the strike

1. Support materials with the ballot paper

Accompanying materials can be sent to members with their ballot papers; a letter from the shop stewards and/or regional officer, a leaflet explaining the issues and a clear recommendation to vote yes for strike action and action short of a strike if this question is being asked.

2. Get the vote out

Key to any successful strategy is a clear and structured approach to ensuring not just a yes vote in the ballot but maximum participation. Turnouts in postal ballots are with few exceptions, low and invariably leave us open to attack by the employer, media and government. To address this, a clear strategy to 'get the vote out' is essential.

Just as you did when updating your membership data, responsibility for talking to every member about the importance of voting and voting yes needs to be given to our activists and stewards. Membership lists should be drawn up and activists tasked with speaking in a systematic way to each member.

- If members have not received a ballot paper within the first 10 days of the ballot opening a duplicate paper should be requested via the legal department in central office who will liaise with the independent balloting organisation conducting the ballot on our behalf.

Four easy steps to get the vote out:

- a. Use the template form at appendix one to breakdown the workplace into areas/workgroups and attach members to each. This can be done in the same way as the membership data collection.**
- b. Allocate an area and member list(s) to identified activists and/or stewards who will be responsible for talking to each member.**
- c. Use a checklist – as activists speak to each member tick off each column; leaflet given, aware of issues, ballot paper received, voted, voted yes?**
- d. In larger disputes we can engage the support of outside companies to send text messages and email members during the ballot, as well as phone banking. This enables us to talk with a clear message to members we have contact details for. Officers should discuss the need for this support with the campaigns and communications department at central office.**

Section Four: Winning the ballot and the strike

In addition, you should ensure that regular newsletters are produced keeping members up-to-date with the latest developments, including any negotiations that may be taking place. Membership meetings and regular report backs where members can ask questions are really important to building a sense of collective responsibility and confidence amongst the membership.

3. Strike pay

Unite has a National Strike Fund which pays out £30 per day strike pay. Payment is made from day one from your Regional Office, preferably via BACS into members' bank accounts.

To be eligible members must have 13 weeks membership and be able to demonstrate that they have actually lost monies as a result of taking strike action⁷. Those not scheduled to work, resting, on holiday or off work for any other reason on the day(s) concerned are not eligible for strike pay.

- Where it is not possible to 'demonstrate' loss during a dispute or where circumstances require a faster payment of strike pay than providing wage slips would allow, discretion is given to regional secretaries to make payments to members based on a report from the appropriate officer. Officers should work with branch secretaries in such circumstances to identify members entitled to payments.

In exceptional circumstances the Executive Council has granted dispensation on the 13 week rule, to new members joining the union during a dispute. The Executive can also authorise hardship payments and any such requests should be made by the officer concerned to their Regional Secretary.

- Strike funds, collections and membership levies can all be used as a way of increasing strike payments.

4. Protection from dismissal

Workers taking industrial action are protected from dismissal by their employer for a minimum twelve week period from the start of the action⁸.

- This protection can be extended beyond twelve weeks if during this period the employer has taken no steps to resume negotiations; has refused a request to involve ACAS or failed to comply with procedures covered by any applicable collective agreement⁹.

Any harassment, victimisation, threats or other direct actions against members taking action should be discussed immediately with the legal department at central office or with our local solicitors where they have already been involved

⁷ A pay slip showing the deduction

⁸ EER 1999 Schedule 5

⁹ EER 1999 Schedule 5

Section Four: Winning the ballot and the strike

in the dispute preparations.

- Remember – our best defence against any employer is our own organisation. A solid well organised workforce is less likely to face – or tolerate – intimidation from the employer.

5. Picketing

Workers engaged in a lawful dispute have a right to picket ‘at or near their place of work’ for the purpose of ‘peacefully obtaining or communicating information or peacefully persuading any person to work or abstain from working’¹⁰.

If your place of work is within a private trading estate or on private property, the employer may ask the police to move you on as picketing may constitute ‘trespass’. In such circumstances workers should establish their picket at the nearest point on public land that provides them with the opportunity to effectively picket.

- The picket should be led by the officer as the responsible official in any dealings with the local police while other activists should be given responsibility for media, materials, solidarity and community work.
- Effective picketing can have a significant impact on local traffic backing up at core times of the day. Remember this is not your problem; you have a right to picket, speak to people and ask them to respect your dispute. The police have the responsibility to manage traffic and other issues that may arise from your lawful action.
- Should the police attempt to interfere with your lawful right to picket or to move pickets or a demonstration away from the place of work you should ensure that you;
 - Take the name and number of the officer involved (an officers number can be found on their uniform lapel).
 - Make a clear note of the time and location of the instruction.
 - Gather the names of any witnesses including other pickets.
 - Make it clear to the officer that a complaint will be made to the appropriate police authority.
- The union operates a Helpline to assist officers and pickets and this can be contacted for advice and assistance should you need it: simply call 01752 521 889

Effective picketing should be aimed at persuading fellow employees not to cross the picket and support the strike. In addition, pickets have the right to speak to employees of third party companies, delivering, collecting or in some

¹⁰ TULRCA 1992 s220

Section Four: Winning the ballot and the strike

other way supporting the activities of the employer with a view to them supporting the picket by not crossing it. Guidance is available from the union for pickets to provide to third parties approaching their picket¹¹.

Easy steps to an effective picket

- Pickets should be visual; position your picket(s) covering all entrances to the workplace and ensure that you are in a position to stop and communicate with anyone approaching.
- Arrange a picketing roster for members and collate the names of those attending.
- Ensure leaflets are available for the public explaining the dispute, how it will affect them and their community and how they can support you.
- Write in advance to suppliers and contractors explaining the dispute and notifying them that there is official industrial action taking place on notified dates.
- Use the picket to sign up new members and complete any paperwork to claim strike pay.
- Invite the media and bring family members along to meet the press, who are always keen to hear the human side to any dispute.
- Establish picketing start times so members get into a routine early.
- Produce a leaflet for use on the picket, short and to the point with photos and news from pickets across other locations if the dispute covers a number of workplaces¹².
- Banners, armbands, flags, hi-viz vests, whistles and placards are all available to support your picket from your regional office.
- Helium balloons can be ordered with Unite logos and messages; the kids love them and will take them into the community.
- Make arrangements for refreshments, heat and food. Start collecting wood as part of your dispute preparations; obtain a brazier to double up as both heater and BBQ.
- Arrange for messages of solidarity to be read out at the picket alongside community and other speakers supporting the dispute. A message of support can be got out across the union, which can be posted online, on Twitter and FaceBook.

Code of Practice on Picketing

There are 'recommendations' in a Code of Practice¹³ issued by the Secretary of State that there should not 'generally' be more than six pickets at any one entrance to an employer's premises. Early discussions with the local police should prevent any difficulties should more than six be present, but if the police object to the number in attendance and threaten to arrest for a 'breach of the peace' or any other spurious charge, it is important that you separate the picket from what will, from that point, become a demonstration or rally.

¹¹ See appendix eight

¹² Compile an album of photos and messages of support as a memento of the dispute

¹³ Employment Code of Practice (Picketing) Order 1992

Section Four: Winning the ballot and the strike

A demonstration in support of the strike should be separate from the picket and keep moving to avoid problems with the police. Unite has guidance on organising a demonstration which can be found at appendix 9.

- We would want to fully involve as many members as possible in our actions so get a member of the strike committee to coordinate groups of members and supporters to leaflet the community, shopping centres and other local areas. Helping to get our message out and raising money for the strike fund are important actions during any dispute and should be carefully planned.

6. Leverage

The cornerstone of Unite Leverage has been the development of managed, strategic campaigns – incorporating dedicated resource and critical skill sets. Unavoidably this has been accompanied by strict criteria for resource allocation, begging the question;

- What can be learned more generally from Unite Leverage?
- What can be widely utilised?

Before consideration of such questions it is important, at the outset, to comment on two issues:

1. UNITE LEVERAGE IS NOT A REPLACEMENT FOR COLLECTIVE STRENGTH

Unite Leverage is not a ‘golden’ bullet. Despite the impact of economic change, it remains clear that self-sustaining, assertive trade unionism can only be re-founded through the mobilisation of workers at the point of production. It is through concerted strategic organising that progressive trade unions build workplace, economic and political power.

2. UNITE LEVERAGE IS NOT THE IDENTIFICATION OF TRADITIONAL ‘CHOKE POINTS’

Unite Leverage is not the collection of information – as important as this is. It is the adoption of an organising mind-set that delivers strategic plans focusing on the escalation of uncertainty. While traditional ‘choke points’ are routinely identified, for example, weaknesses within supply chains, it is critical to understand that Unite Leverage analyses and targets all elements of the employer sphere of influence.

While it will remain the case that national Unite Leverage campaigns will target only a minority of industrial conflicts, it is clear that there are universal principles underpinning Unite Leverage that can be incorporated into ‘everyday’ business. By building and maintaining relevant information for recognised companies, while thinking and acting innovatively within a disciplined framework, the principles and approach of Unite Leverage can be used to maximise the opportunities for success in all Unite workplaces.

Section Four: Winning the ballot and the strike

Core principles of Unite Leverage

- Leverage is not a replacement for collective strength
- Leverage requires the development of an 'organising' mindset
- Leverage treats the employer as an opponent
- Leverage must be used strategically
- Meaningful planning and research is critical
- The ability to escalate is vital
- Discipline is key

Put simply, Unite Leverage is the development of a mind-set, an approach to delivering on objectives. Critical to this is focus. The concentration on delivery whatever it takes - the locating and targeting of weakness in an opponent.

Transferrable approaches

- Campaign messaging should be determined at the outset.
- Demands must be made to target before deployment.
- Communication with the employer through negotiation only
 - Test the leverage – employer to move first.
- The creation of uncertainty through escalation is pivotal.

Core principles are coupled by basic transferrable approaches that can be utilised effectively in the setting of a 'hostile' dispute. Taken collectively they produce a general framework for campaign discipline. This helps retain the internal campaign focus required to create maximum instability within the apparatus of the employer. This is undeliverable if leverage is used inappropriately through an inability to escalate effectively. An 'in-out' approach to leverage (introducing, withdrawing and then re-introducing leverage), defeats the very object of leverage – the creation of critical uncertainty in the mind of the employer.

The core principles and approach of Unite Leverage offer the official, shop steward and committed activist, both a philosophical and practical backdrop to 'every-day' business.

- The recognition of the inherent instability of industrial relations and that a specific 'mindset' is required to win in a hostile environment.
- The recognition that ultimately employers remain 'opponents' and that to win in a changed environment, meaningful research and planning seeking to tackle the employer at every level, is required.
- That once engaged in 'dispute', discipline and focus are key and that escalation is critical.

The principles and approach of Unite Leverage are all underpinned by information, be it sophisticated or basic. It is in this area that Unite Leverage can be most directly translated into the 'everyday business' of Unite workplaces

Section Four: Winning the ballot and the strike

- the task of critical preparation. It is irrelevant whether or not engagement with the employer is at present positive or constructive - if the central tenets of Unite Leverage are accepted, the need to effectively prepare for future 'crisis' is clear.

Valuable work can be undertaken in all Unite workplaces. The basic research within sectors, companies and individual workplaces provides vital underpinning that can enable effective campaign planning. If relevant information is regularly compiled and recorded accurately, the move towards a leverage mind-set, critical during a period of 'hostility', is made far easier.

The most basic research allows us to refocus on the factors likely to be most helpful in moving the employer. Undertaking relevant tasks and acting on the results can raise the confidence of shop stewards and activists. In turn, allowing for a more equal dialogue with the employer outside of 'crisis'. In short, preparation for leverage can help us deliver stronger, better equipped industrial organisation to deliver 'year-on-year' for workers.

Section Four: Winning the ballot and the strike

Basic regular information gathering and storage can include:

Type of information	Content	Why	Updated	Gathered	Stored
Recognition agreements and wage settlements	<ol style="list-style-type: none"> 1.Terms and conditions 2.Details of negotiated settlements 	Comparison	After every settlement	Locally	Centrally
Basic ownership information	<ol style="list-style-type: none"> 1.Who owns the company? 2.Is it privately listed, publically listed, publically owned or a charitable organisation? 3.At what level are key decisions made? 	Locating employer influence and power	Annual update	...	...
Basic financial and service information	<ol style="list-style-type: none"> 1.Is the site making profit? Is the service meeting financial requirements? 2.Is the parent company making a profit? Is the national service meeting financial requirements? 3.Which products are most profitable? Which services are most important? 	Locating economic drivers	...	...	...
Basic employment analysis	<ol style="list-style-type: none"> 1.How many workers are employed at the site? By employment status and bargaining unit 2.How many extra jobs in the community are dependent on the employer? 3.What are the critical occupational groups and how many workers are employed within them? 	<ol style="list-style-type: none"> 1.Building the Union, identifying weakness 2.Planning solidarity 3.Focussing on strength 	Continuous 'Mapping'	...	...
Listing key products and/or services provided	<ol style="list-style-type: none"> 1.Which products and / or services are the most important? 	Understanding points of weakness	Annual update	...	...
Listing critical customers	<ol style="list-style-type: none"> 1.Who are the key customers? 	Assessing key targets	...	...	...
Listing critical relationships	<ol style="list-style-type: none"> 1.Who provides funding or new opportunities for the service provider? IE: A local charity may be funded by a Local Authority 	Assessing key targets	...	...	...
Listing key competitors	<ol style="list-style-type: none"> 1.Are there direct competitors who could take work? If so, who are they? 	Developing combines	...	...	...
Basic supply chain analysis	<ol style="list-style-type: none"> 1.Are there critical products required for production or service delivery? If so, what are they and who provides them? 2.Is logistics important to the company or organisation? If so, who provides that service and what are the 'choke points'? 	<ol style="list-style-type: none"> 1.Developing combines 2.Identifying 'choke' points	...	...	...

Appendices



APPENDIX TWO

COMPANY NAME: _____

TEMPLATE: COMPANY ANALYSIS AND VULNERABILITIES

PRODUCT / MATERIAL

List product / materials used and supplier companies

CLIENTS

List key client groups / customers, political sensitivities

STOCK VULNERABILITIES

(Just in time or other lead time weaknesses)

DEADLINES / PEAKS

Identify any significant delivery deadlines for product / service

CORE WORKGROUPS

(Small groups – maximum disruption)

PRODUCT DISTRIBUTION

(List final product distribution companies and modes of distribution to customer)

OWNERSHIP

(Identify all major shareholders / private investors)

OTHER IMPORTANT FACTORS

(List anything else that could be important to your strategy)

APPENDIX THREE

[insert date]

Dear Sirs,

Provision of labour for [insert company name]

I write to inform you that as a result of a trade dispute between this union and [insert company name]. Unite is conducting a ballot of our members for industrial action. This ballot involves all [insert workgroups /grades] operatives.

I am informed that you supply labour to this employer through your Agency and as such I wish to bring to your attention at the earliest opportunity the terms of Regulation 7 of the Conduct of Employment Agencies Regulations 2003. These Regulations specifically state that in the circumstances of lawful industrial action being taken, the provision of labour by you to [insert company name] would be unlawful and in breach of the Regulations. I am aware that the Employment Agency Standards Inspectorate can impose a fine of £5,000 and ban an Agency for up to 10 years, should the Regulations be breached.

The union believes the employer may request that you provide replacement labour for either those directly involved in the dispute or as labour to replace other workers transferred to cover the work of those taking industrial action, in either case the supply of such agency labour would be unlawful.

In the circumstances of the present Trade Dispute, I ask you to confirm that you will not supply labour to [insert company name] should you be notified of a lawful dispute with this company.

I look forward to receiving your confirmation by return.

Yours sincerely

Regional Industrial Organiser

APPENDIX FOUR

[insert date]

Dear Sirs,

Provision of labour for [insert company name]

Further to my earlier letter to you of [insert date of first letter], I write to inform you that as a result of a trade dispute between this union and [insert company name] official industrial action will take place affecting the following locations [insert workplace locations] from [insert dates of strike or other industrial action]. This action will involve [insert workgroups affected].

I am informed that you supply labour to this employer through your Agency and as such I wish to remind you of the terms of Regulation 7 of the Conduct of Employment Agencies Regulations 2003 which specifically state that the provision of such labour by you would be unlawful and in breach of the Regulations. I am aware that the Employment Agency Standards Inspectorate can impose a fine of £5,000 and ban an Agency for up to 10 years, should the Regulations be breached.

The union believes the employer may request that you provide replacement labour for those directly involved in the dispute or as labour to replace other workers transferred to cover the work of those taking industrial action, in both cases the supply of such agency labour would be unlawful.

In the circumstances of this official and lawful industrial action, I ask you to confirm that you will not supply labour to [insert company name] during this dispute. If I do not hear from you by return I will contact the Employment Agency Standards Inspectorate at BIS.

I look forward to receiving your confirmation by return.

Yours sincerely

Regional Industrial Organiser

APPENDIX FIVE

EXAMPLES OF INDUSTRIAL ACTION

When balloting for industrial action, two questions can be asked on the ballot paper;

- Are you prepared to take strike action?
- Are you prepared to take action short of a strike?

The difference between the two is important and when deciding whether to ask just one or both questions it is important to understand what action relates to each.

EXAMPLES OF ACTIONS SHORT OF A STRIKE*

- WORK TO RULE
- OVERTIME BAN
- CALL OUT BAN
- WORK TO CONTRACT
- REFUSAL TO DO SPECIFIC DUTIES THAT DO NOT AMOUNT TO A CONCERTED STOPPAGE OF WORK

EXAMPLES OF STRIKE ACTION*

- NON ATTENDANCE AT WORK
- SHORT TIME WORKING
- WORKING SHORT OF CONTRACTUAL HOURS
- REFUSING TO DO CORE DUTIES
- ACTING IN ANY WAY THAT AMOUNTS TO A CONCERTED STOPPAGE OF WORK

* As in all cases where the law is involved specific guidance should be sort from the central office legal department in advance of any action being taken

APPENDIX SIX

DISPUTE FORM & REQUEST FOR REGIONAL INDUSTRIAL ACTION BALLOT

This dispute form should be complete in conjunction with the Regional Dispute Guidance. As a matter of procedure, in the first instance, would the servicing officer please inform the relevant national officer of the potential industrial ballot.

Regional officer's name and mobile number

Regional secretary

National officer and Unite Sector

Employer name:
(please give the correct, full name of the members' employer).

Employer address: (please give the full address. This is the address where the notices will be served)

Full name and position of management contact at Employer: (e.g: John Smith, Human Resources Director)

Also include tel no, fax no, and Email Address.

Employers group name:

Appendix 6

Total/ approx number of employees at company:

Total of Unite members to be balloted:

Ensure you have taken account of different companies within groups of companies, mergers and TUPE transfers

Have you checked and updated list(s) of members by doing the following:

Marked members who have left or will not be at work at the time of the action

Checked we have correct current addresses for all members

Removed members who are no longer in categories to be balloted and/or included members who are now included in categories to be balloted.

Added members not on the original listings provided.

Are you intending to ballot every member employed at the employer listed above, eg every category of member at every workplace?

Please specify YES NO

Or are you intending to ballot all categories of members employed at the employer listed, but not every workplace? Are you excluding any workplaces?

Please specify YES NO

Or are you intending to ballot a specific group, bargaining unit, specific contract (eg Wincanton Drivers working on Iceland Contract), specific job category(ies) or intending to ballot every member, excluding supervisors and managers? Sufficient additional information must be given to allow the employer to identify the ballot constituency. Please give details:

Appendix 6

Column 2 – insert addresses of members' workplace – ie the premises at or from which the members work.

Workplace premises full address (including postcode)	Breakdown of job titles at each workplace for non check off members (DD etc).	Number of members at each workplace & location breakdown of number of non check off members
--	---	---

For members who do not work at or from a single set of premises, the workplace is the premises location (of the employer) with which the employment has the closest connection (this will usually apply to homeworkers).

<p>Example</p> <p>5 High St Luton LU1 2JD</p>	Driver	5 DD
	Warehouse Operative	2 DD
	Non check off total	7
	Check off total	25
	Grand total	32

<p>Premises 2</p>		
	Non check off total	
	Check off total	
	Grand total	

<p>Premises 3</p>		
	Non check off total	
	Check off total	
	Grand total	

Appendix 6

Premises 4		
	Non check off total	
	Check off total	
	Grand total	

Total Check Off Total Non-Check off

Could this action involve or affect other /groups of Unite members? If so provide details

Has the procedure been used and exhausted?

Is this action to be taken in conjunction with any other Trade Union(s)?

YES NO

If YES, please state which unions and give names, addresses and numbers of the officials responsible and indicate approximate size of membership concerned of any other union involved in the dispute. Also state what stage they are at with their ballots

If NO please state if any other unions have members in the same categories at the workplaces being balloted and give details of the unions and approximate size of the membership concerned.

Question on Ballot Paper (*tick one only*) A stoppage of work will be a strike. Overtime and call-out bans will be action short of a strike.

- 1. Strike action
- 2. Action short of a strike
- 3. Two questions (i.e. strike action and action short of a strike)

Appendix 6

Description of proposed industrial action

Give details of the trade dispute issue (s):
If a pay claim, summarise all major points.

Also describe any actions taken to resolve the dispute by negotiation and conciliation (use separate sheet if additional space is required)

Has the procedure been used and exhausted? Please specify YES NO

Ballot aggregation
If the ballot involves more than one workplace, please specify which condition for holding an aggregated ballot is satisfied and why (see Regional Dispute Guidance)

SIGNED: _____ DATED: _____

Regional Officer: _____

ONCE SIGNED AND COMPLETED, PLEASE SUBMIT TO REGIONAL SECRETARY AND ALSO INCLUDE MEMBERSHIP DATA WHICH SHOULD BE IN EXCEL FORMAT WITH ALL THE REQUIRED INFORMATION (AS PER MANDATORY FORMAT TEMPLATE) ON ONE SPREADSHEET

REGIONAL SECRETARY'S REPORT

Have you been involved in this dispute? YES NO

Do you support the regional officer's recommendation? YES NO

Comments: _____

SIGNED: _____ DATED: _____

For regional secretaries' office: When signed please send the form and membership data to LS by email to lorraine.diales@unitetheunion.com and faina.msellem@unitetheunion.com. Both are based in the Legal Department, Unite House, 128 Theobalds Road, Holborn London WC1X 8TN

APPENDIX SEVEN

REQUEST FOR CALL FOR INDUSTRIAL ACTION REGIONAL DISPUTE

TO BE EMAILED TO: Lorraine Diales and Faina Msellem in Legal Services

EMPLOYER NAME: _____

Following the recent ballot on industrial action authority is requested for industrial action:

Ballot closing date : _____

Description of members to be called upon to take action (if different from that set out in the Ballot Notice Letter):-

Give details of any changes to members concerned, workplaces – eg any workplaces closed, members been moved to additional workplaces - since the Industrial Action Ballot Notice was served.

For non check off members only, please provide an up to date 'matrix' of numbers at workplaces and numbers in categories

Action to be taken:- _____

(When considering action, please take account of members' shift patterns, rotas etc)

Date and time action is to commence _____

(this must leave time to give the employer *7 days' written notice but it must be within 28 days of the last day of voting – NB THE LAST DATE OF VOTING COUNTS AS ONE OF THE 28 DAYS).

Will action be continuous (e.g. an all out strike or complete overtime ban)

Yes/No *Please circle and specify

If action is not continuous (e.g. a series of one day strikes) please specify each date and time action is to commence and conclude:

Signed: _____

Name of Full Time Officer: _____

Dated: _____

***TO GIVE LS ENOUGH TIME TO DRAFT ACTION NOTICE LETTER, AND FOR IT TO BE CHECKED AND SERVED BY YOU, PLEASE SUBMIT THIS FORM 9 DAYS IN ADVANCE OF ANY COMMENCEMENT OF ACTION**

APPENDIX EIGHT

[insert company name]

GUIDANCE TO UNITE MEMBERS WHO ARE NOT DIRECTLY INVOLVED IN STRIKE ACTION BUT APPROACH PICKET LINES

[insert brief description of dispute]

- Industrial action will commence on [insert dates and times of industrial action].

THIS IS AN OFFICIAL DISPUTE

During the course of your working day you may come into contact with either a picket line at a place of work or an event involving our members in the community.

This advice is designed to give you the latest information on what you can do when approaching a picket.

ADVICE TO THOSE NOT IN DISPUTE

Given the very complex legal position workers and unions currently find themselves in, we advise the following to our members who are not in dispute themselves, but may come into direct contact with a picket line during the course of their work;

- 1.** It is perfectly lawful for pickets to approach workers; lorry drivers and drivers of other vehicles as well as warehouse, dispatch, administrative and other employees. It is perfectly lawful for these pickets to ask workers to stop, to communicate information to them on the merits of their dispute and to peacefully persuade them to honour the picket by abstaining from working.
- 2.** If Unite members approach any picket line they should advise the pickets that support is given to the dispute by Unite and they will not undertake any work outside of their normal contractual duties, nor will they take over the work normally conducted by those workers in dispute. (If your employer demands that you do take over the work of those in dispute the union will lawfully resist such demands and could ballot our members for industrial action.)
- 3.** If members approach or are approached by pickets and on assessing the situation feel insecure, threatened in any way or indeed believe that their presence or continued operation in the area could endanger either themselves

or others, they have the right to remove themselves from the situation.

4. If it is believed that this is the only available course of action members should leave the area and contact their employer for further guidance. If contact cannot be made with their employer and they are not at their place of work they should return to their place of work, unless advised otherwise.

5. You have a statutory duty under the Health and Safety at Work Act (1974) Section 7, not to endanger yourself or others during the course of your work. This decision is one that can only be made by yourself as the individual concerned, having assessed the situation as you see it on the ground. As above, if you feel your continued presence is a danger to either yourself or others you should remove yourself from the area and contact your employer for further guidance.

6. Your employer also has a statutory responsibility to assess all risks to both yourself as an employee and to others who may be affected by or arising from their operations. This duty is found within the Management of Health and Safety at Work Regulations (1992). This risk assessment must be up to date and relevant to the situation, in writing and provided to you on request prior to you commencing your duties.

The industrial action taking place is likely to be significant. This change to normal circumstances would warrant a review of any existing risk assessment and specific guidance from your employer on actions to take should you, or others affected by your work, be at risk as a consequence of your work activity.

Advice ends

APPENDIX NINE

UNITE GUIDANCE ON ORGANISING A DEMONSTRATION

The right to demonstrate

Your Rights

You have the right to assemble and demonstrate peacefully. Your rights are protected by the Human Rights Act. The police can impose conditions on the location, numbers and length of assembly but only to prevent serious public disorder, serious damage to property or serious disruption.

What you should do

You should ensure that:

- There are sufficient representatives to organise the demonstrations, give directions to those on the demonstration and liaise with the police;
- Demonstrations are confined to the public highway or property on which you have the express permission of the owner to demonstrate;
- The public highway is kept clear so that people and traffic can pass freely; and
- Contact is maintained with the police, and that appropriate directions given by them are respected. If asked to move on by the police, you should do so.

What you shouldn't do

You should ensure that there is no:

- Obstruction to the highway;
- Obstruction to any workplace or premises in the area surrounding the demonstration;
- Attendance on private property (unless express permission has been given);
- Conduct on the demonstration which could give rise to accusations of harassment or intimidation, or the threat of public disorder; and
- Attempt to persuade workers to cease working.

Unite – industrial action checklist

While every dispute is different the principles of good preparation, forward planning, methodical organisation and networking beyond the workplace are all well established and central to our continued ability to both defend and advance the interests of our membership.

This checklist will help you to double check that you've done all you can to win.

Have you set up a strike committee? (page 10)

Getting the right people in the right place to help with the preparation, tactics and organisation of your dispute will make all the difference.

Are there other unions involved in the dispute? (page 7)

Make sure we are working together from the outset.

Have you updated your membership details? (page 9)

Getting this wrong can lead to all kinds of legal challenges.

Have you been out talking to your members?

Do they understand the issues involved; the importance of the ballot and voting yes? Have you visited all locations, held workplace meetings and built our membership?

Will you be organising a consultative ballot? (page 13)

It's a chance to test the waters, but also gives employers more time.

Who are you balloting and what is the question on the ballot paper? (page 8)

It's up to you to decide whether to ballot all members or just key groups and to decide whether to ask one or two questions on the ballot paper.

Discuss tactics with your strike committee.



Checklist

Have you completed all the legal bits? (page 19)

- Given the employer notice of the ballot and/or industrial action?
- Notified your regional secretary for authorisation to ballot?

Have you contacted your National Officer, Regional and Central Office for support and assistance?

- We are one union with many resources, you are not on your own
- Industrial, campaigning, political, financial, research and international support is available to you at a national level as well as from your regional office

Have you:

- Done your homework on the company? (page 10)
- Set up a strike fund? (page 12)
- Built links with the wider community? (page 11)
- Identified and written to any agencies that supply or are likely to supply staff to the company in the event of a strike. (page 14)
- Contacted the communications department for help with campaign materials, such as newsletters, posters, stickers etc. (page 12)

YES!

CONGRATULATIONS! You're as prepared as you can be. Now go to chapter four for advice on winning the ballot and taking effective strike action.



