

Industrial Relations (Voting Procedures) Bill rejected in UK Parliament

A motion for leave to introduce a [Private Members' Bill](#) which would have made some strikes illegal if they were not supported by a majority of union members at that workplace has been rejected. The discussion about the Bill, quoted below, highlights the deep divides in Parliament on Union powers.

On 26 April 2011, [Dominic Raab](#) (Conservative MP for [Esher and Walton](#)) proposed the Industrial Relations (Voting Procedures) Bill, which would have amended the [Trade Union and Labour Relations \(Consolidation\) Act 1992](#) to require the support of a majority of union members at that workplace, rather than merely a majority of those voting, to render industrial action lawful in the emergency services and the transport sector.

Mr Raab's full speech is set out in [Hansard](#) – below are some extracts:

“Despite a massive expansion of health and safety regulation, employment law and various other social protections, Britain is still episodically held hostage by a vocal minority led by militant union bosses. The damage to the British economy and jobs is immense. In 2002 and 2007, we lost more than 1 million working days because of strike action- [Interruption.] Opposition Members may find that a laughing matter, but the tax-paying public do not.

In 2009-a comparatively quiet year-we lost almost 0.5 million days, which is way more than in Germany, Italy, the US and Australia, and the last tube strike cost the capital £50 million each day, disrupting more than 1 million commuters. What is worse still is the way in which union bosses frequently rely on a minority of members to corral and coerce the majority into strike action. That is what the Bill addresses.

The number of strike ballots carried on a minority of members is increasing at a rapid rate. The [National Union of Rail, Maritime and Transport Workers](#), led by Bob Crow, is one of the worst offenders. A third of members supported his tube strikes in the autumn of 2010. The current ballot, for which results are due tomorrow, seeks to escalate previous strike action on the Bakerloo and Northern lines that carried just 35% and 20% of support from members.

In 2010, the [Public and Commercial Services Union](#), claimed legitimacy for a strike ballot on redundancy pay that carried the support of only 20% of its members. Unite and the [Broadcasting Entertainment Cinematograph and Theatre Union](#) have also recently led strikes with minority support”.

My Bill will address that by amending the Trade Union and Labour Relations (Consolidation) Act 1992 to require the support of a majority of members-not simply a majority of those voting-for strike action in the emergency services and the transport sector to be lawful.

Let me be absolutely clear: the Bill would have stopped not the majority of recent strikes, but just those not supported by a majority of union members. Some will say, Yes, but politicians are elected only by those who turn out to vote,” but strike ballots and political elections are fundamentally different-[Hon. Members: "Why?"] I am coming to that very point. Strike action takes advantage of an express immunity created by an exemption to

the law. Without that exemption, unions could be sued in contract and tort law for the damage that they do, just like everybody else.

Strike action based on minority support allows union bosses to corral, cajole and sometimes even bully the majority of union members into supporting strike action and losing pay, when actually they want to get on with their work and their job. Guidance issued by many unions instructs all members to support strike action regardless of whether they voted for it. Then there are the widespread reports of bullying. When British Airways sacked and suspended almost 100 workers after the 2010 strike, it stated that they were mostly for allegations of bullying or intimidation made by other colleagues. The pending RMT ballot was called by Mr Crow in defence of a tube striker sacked after being accused of abusing another tube worker during a strike in 2010, and just last month his right-hand man at RMT, Mr Steve Hedley, was convicted of assault after attacking a fellow worker who crossed the picket line to work. It speaks volumes that the RMT leadership backed Hedley over the victim of that assault.

This kind of bullying is bad enough in any circumstances, but it is particularly reprehensible during strikes that cannot command a majority of support among a union's own members. Why should a militant minority coerce, intimidate and bully the silent majority? [Interruption.] I think we are hearing the answer from the mutterings from [Labour Members](#). Nor should the same militant minority be licensed to disrupt the wider public and damage the UK economy. This Bill will focus on strikes in the emergency services and the transport sector, where the scope for such disruption is particularly acute. The CBI, Policy Exchange and the London Mayor have all called for a threshold for strike action. Other countries, such as Denmark and the Czech Republic, have a threshold, and the Prime Minister has agreed to consider the case for reform in this area.

In truth, this is just one of the changes we need. However, the Bill is framed in terms that would at least allow for a wider debate, if Labour Members can stomach it, particularly on, for example, the case for a requirement that strike ballots specify the grievance, so that-God forbid-members are actually told what they are being asked to strike for, and so that union bosses cannot exploit a successful ballot on a specific grievance in pursuit of their own wider vested interests. Likewise, there is a case for requiring individual ballots for strikes against each legal public sector employer, so that nationwide strikes cannot be instigated on the thin pretext of some localised dispute.

The main aim of the Bill, however, is to give strikes greater democratic legitimacy. Union bosses on six-figure salaries, some elected by a small fraction of their membership, have grown out of touch with their members and with reality. The number of minority strikes shows that they are often less interested in representing all their members, and more interested in pursuing their own political agendas. Our law gives them too much power, and they are abusing it, not just to blackmail the Government, but to coerce their own members and inflict maximum damage on the wider taxpaying public. The question for the House, therefore, is: who is prepared to stand up for the hard-working majority in this country? These proposals will support the silent majority struggling and striving across both the public and private sectors. I commend the Bill to the House".

The bill was opposed by Tony Lloyd (Manchester Central MP, Labour), who argued that the threshold was too high. His opening words were "Let me be honest: it was not just the sight of the salivating rants of Tory MPs and their Lib Dem friends that got me to my feet; it was probably this sense of déjà vu, this groundhog day", and he continued to refer to the work of ACAS: "At no point did the hon. Gentleman mention the fact that we need

an industrial framework that involves ACAS at an early stage, and includes a capacity for arbitration, and give and take on both sides".

The motion was rejected by **171 votes to 121** – and the debate about the right to strike is set to continue.

Philip Henson, Partner – [Bargate Murray](#)

www.employmentlawupdate.wordpress.com