

[www.tuc.org.uk](http://www.tuc.org.uk)



# Trade Union Act

## Workers' Rights are Human Rights

*Hannah Reed*  
**TUC**



# Wins and concessions

- Picketing and protest plans
- Check off and facilities
- Political funds
- Electronic balloting
- Scope of 40% threshold
- But still damaging, divisive and undemocratic

# Workers' rights are human rights

- Trade Union Bill: making progress by:
  - Building coalitions
  - Engaging with international and human rights agencies
  - Effective lobbying



[www.tuc.org.uk](http://www.tuc.org.uk)

# Building coalitions ...

“Taken together the unprecedented measures in the Bill would hamper people’s basic rights to protest and shift even more power from the employee to the employer.”

*Liberty, Amnesty, BIHR joint statement,  
7 Sept 2015*

# Building coalitions...

“The second area where the bill is vulnerable to legal challenge is clause 14. This would prohibit public sector employers from making trade union subscription deductions from wages payable to workers, even if the employee and employer consent, and indeed even if (as trade unions have offered) the costs of this “check-off” is paid by the trade union itself. **It is very difficult to see the justification for such a restriction, which would have a very damaging effect on the efficacy of trade unions.**”

*David Pannick QC, the Times 28 January 2016*

[www.tuc.org.uk](http://www.tuc.org.uk)

# Not just the usual suspects

*ELA cautions that if the provisions [in the Bill and any accompanying regulations] are not drawn as narrowly as possible then **the Government runs the risk of a challenge on the basis that the imposition of the raised thresholds infringes Article 11 of the European Convention on Human Rights.** Any restrictions on the right to strike must not be greater than necessary to pursue a legitimate aim and are necessary in a democratic society.'*

*Employment Lawyer Association response to thresholds consultation*



# Not just the usual suspects

“In its briefing on the Bill ... Liberty stated that:  
*“...this relatively short Bill has the potential to cause significant damage to fair and effective industrial relations in this country and would set a dangerous precedent for the wider curtailment of freedom of assembly and association.”*

When one looks at the collective effects of the legislation, **it is understandable that Liberty should have reached this conclusion.**”

Bruce Carr QC, blog



[www.tuc.org.uk](http://www.tuc.org.uk)

# Engaging international & human rights agencies

- Joint Committee of Human Rights
- Equality and Human Rights Commission
- ILO





[www.tuc.org.uk](http://www.tuc.org.uk)



# Wins and concessions

# Trade Union Act & human rights

- Thresholds for industrial action ballots
- Wider restrictions on the right to strike
- Remaining restrictions on picketing activities
- Future cap on facilities
- Powers of the Certification Officer

[www.tuc.org.uk](http://www.tuc.org.uk)



# Next stages...