

**Presentation: IER Employment Law Update
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The Right to protest and the Right to boycott

It really has been an extraordinary few weeks in Westminster politics and the legislation I'll talk about briefly today is of course relevant to what has been unfolding.

Over the last year, War on Want has been working on three pieces of draconian legislation in the UK; the Strikes, Minimum Service Levels Act, the Public Order Act and the Economic Activity of Public Bodies - otherwise known as the Anti-Boycott Bill. These are laws that attack our right to strike, to protest and to campaign through boycott and divestment.

(If there is time at the end, I would like to show you a video that War on Want has produced which illustrates how these three pieces of legislation fit together. It's a free resource and if you would like the link to it, I'm more than happy to send it to you).

Each piece of proposed legislation has been campaigned on separately but we wanted to draw them together to demonstrate that this is actually a *fundamental attack on our right to dissent*. They form a suite of laws with the common aim of arming the government with virtually unrestrained power to restrict industrial action, punish those who disagree with their decisions and who would seek to hold them to account, provide a chilling environment for any rightful protest, and undermine otherwise representative decisions over how public money, our money, is invested and spent.

Anyone who has organised with a direct action group or participated in a large-scale protest could be at risk – as we are witnessing with the pro-Palestine marches taking place at the moment. Call me cynical but I doubt James Cleverly will prove to be such a dramatic change from his predecessor!

We see these crackdowns on protest for one reason and one reason only, and that is because protest is effective.

The **Economic Activity of Public Bodies (Overseas Matters Bill)**, or as it's known, the anti-boycott or anti-BDS Bill is specifically cited by govt to end boycott and divestment campaigns that focus on Israel – however, it will also restrict boycotts and divestment campaigns for many other human rights issues, impacting whether you are a human rights campaigner, a climate campaigner, or a peace campaigner.

The aim of the Bill: in the government's words it is to prevent public bodies such as local authorities or universities from taking into account the conduct of a foreign state, including their human rights, environmental or climate record, when making procurement and investment decisions.

In the 2022 Queen's Speech, the government stated that concerns about Israel and antisemitism were the impetus behind putting forward the Bill.

It specifically referred to a motion passed by Leicester City Council in 2014 to boycott goods from Israeli settlements, and a motion passed by Lancaster City Council in June 2021, expressing "support for the Boycott, Divestment, Sanctions (BDS) movement" and divesting their pension funds from all companies active in illegal Israeli settlements in Palestine and all arms companies which supply weapons to Israel.

But the Bill will have much wider impact.

It will restrict public bodies, including universities, local authorities and government departments, from making ethical and responsible investment and procurement decisions in line with their human rights and environmental responsibilities and obligations. It restricts their ability to withdraw responsibly from business relationships where there is a concern about human rights abuses or international crimes.

More specifically, this bill would likely gag:

- UK universities from stating their intention not to procure from any company implicated in the atrocities committed by the Chinese Government against Uyghurs in Xinjiang.
- Local councils or pension schemes passing motions expressing their support for, or intention to divest from the arms companies connected to violations by Saudi Arabia and the UAE in Yemen; or
- Local authorities pledging to divest from companies implicated in human rights abuses such as oil and gas companies benefiting from the Myanmar military junta.

The government says this is about bringing public bodies in line with government foreign policy, but this Bill will prevent local authorities from pursuing ethical choices and taking into consideration their own human rights obligations when it comes to their stewardship of taxpayers money, something the government itself should be doing.

As individuals we have the right to say where our money is invested, we can tick ethical boxes, we can rule out investing in sectors we don't want to invest in, whether that's companies that produce and sell weapons, or fossil fuel companies, and many of us have campaigned for similar decisions on how local authorities invest funds coming from our taxes or pension funds.

This Bill could undo all the good work encouraging public bodies to uphold human rights and environmental obligations. **It also risks being contradictory to the government's own positioning:**

The Government's current business risk guidance on **China**, for example, expresses serious concerns "about widespread and systematic human rights violations" and urges companies to consider their human rights due diligence responsibilities when examining risks and making investment decisions.

Despite being highly critical of boycott and divestment tactics, the government has been actively promoting this kind of action to public bodies in relation to the Russian war on Ukraine.

In March last year the government issued a policy note encouraging public contracting authorities to go *beyond* government sanctions and 'consider how they can further cut ties with companies backed by the states of Russia and Belarus'. The note even gives step-by-step instructions about how to screen for companies to cut ties with, based on location.

The Government's guidance on the risks of operating in the **Occupied Palestinian Territory** states that "Settlements are illegal under international law" and that "UK citizens and businesses [should] be aware of the potential reputational impact of getting involved in economic and financial activities in settlements, as well as possible abuses of human rights that occur".

In announcing the Bill, Michael Gove stated that the ban will not change the Govt position on settlements, but as with many of this government's policies it certainly causes confusion and lacks coherence.

With regard to the passage of the Bill through parliament, the second reading of the debate was lost despite the opposition parties stating that the proposed bill was incompatible with international law.

Other amendments have called for a three month review of how the Bill is working and its impact on a number of countries – Israel is not one of them.

Scotland and Wales have recommended that their parliaments withhold legislative consent.

So, to conclude:

Protest is key to how we win on the issues that matter whether that's picketing the AGM's of corporations that won't respect workers' rights or taking strike action.

We can see the impact of protest going right back to the Grunwick strike through to the present day climate protests.

From bus boycotts against racial segregation to divestment from fossil fuel companies, to arms embargoes against apartheid, - boycott, divestment and sanctions campaigns feature throughout history as ways to bring about change and to stop abusive, discriminatory or illegal policies.

The right to strike, the right to protest, the right to boycott or divest – these are key ways in which ordinary people like us are able to hold governments and corporate bad practice to account. They are part of the foundations of our power to demand change.

The speed at which this legislation has been forced through parliament is incredible. These restrictions have all been brought about within an 18 month window. It is our responsibility to fight back, to challenge these restrictions and to reclaim our right to dissent.

Thank you.

If I can just take the opportunity to the **War on Want conference** which will take place on **24 February 2024** also in London. This will give you the chance to hear first-hand from our partners in the global South as well as voices you might recognise such as Mick Lynch, Owen Jones and Sarah Woolley from the Bakers' union. From next week you can book tickets via our website – I hope to see you there.

[War on Want conference: https://tinyurl.com/5cjun5pf](https://tinyurl.com/5cjun5pf)