

Summary of substantive policy discussions
at Liberty Council meeting
October 2010

Article 11 and the Prohibition on Secondary Industrial Action

The meeting discussed the Office paper on the ban on secondary industrial action, and how the consequent impact on the freedom of association in workplaces, is becoming an increasing problem in the current economic climate. Council agreed that Liberty should take a nuanced position on the issue – that is, that the blanket prohibition was wrong and that there should be a nexus between those undertaking secondary action, those they are supporting and the employer, and that this should be the limitation on the right. Council voted to support the following recommendations -

Recommendations:

1. We think that the blanket ban on secondary action is a disproportionate interference with the Article 11 rights of freedom of association. We can see no legitimate reason to prevent employees in one company or organisation from taking action to support colleagues who happen to be employed by another. It might be appropriate to restrict such secondary action to cases where there is a link between the two employers, either because one owns the other or because there is a strong commercial relationship between them, in order to avoid legalising general strike action. But the blanket nature of the ban is unnecessary and disproportionate.

2. The ability of workers to negotiate for better terms and conditions has been greatly reduced by the ban on secondary action, which was introduced by the Thatcher Government and has been maintained even during the 13 years of Labour Government. This is particularly concerning in the current economic climate and in an age of contracting out of public functions. We suggest that the law should be amended to provide protection for secondary action in appropriate circumstances.