



A
GUIDE
to the
PICKETING POLICY
of the
IRISH CONGRESS OF
TRADE UNIONS



Introduction

The all-out picket policy of Congress was introduced in 1970. It provides for two distinct forms of picketing: a union picket and an ICTU all-out picket. The union picket is one placed by a union or by a number of unions who are directly in dispute with an employer. The purpose of this type of picket is to persuade members of the union in dispute not to work and to inform the public at large of the strike. It is also intended to advise other workers of the dispute so that they will not undertake the work of those on strike.

An all-out picket is one approved by Congress and is intended to secure a total withdrawal of labour by all trade union members employed by the firm in dispute.

The all-out picket policy has been revised on a number of occasions since it was adopted. It was last revised in July 1991 to take account of the provisions of the Industrial Relations Act of 1990.

The purpose of the picket policy is to ensure that where a strike is to take place all unions and union members likely to be affected are fully informed of the dispute and the issues involved and are fully consulted on any action which they are expected to undertake in support of the strike. When the strike takes place the policy is intended to ensure that picketing is carried out in an orderly and effective manner and, as far as possible, is immune from legal challenge.

Notification of Disputes

Where a union intends taking strike action against an employer Congress should be advised of the impending dispute. The obligation to advise Congress exists whether or not it is intended to apply for an all-out picket. A strike notification form, available from Congress, should be completed by the union or unions in dispute and forwarded to Congress. Congress should be notified of the impending dispute as early as possible and in any event not later than the date on which the employer is served with strike notice.

There is also an obligation placed on unions serving strike notice to ensure that other unions with members in the employment concerned are informed of the dispute. As well as sending the dispute notification form to Congress the union or unions in dispute should send copies to the appropriate Trades Councils, trade union groups and other unions involved.

Where there are other unions with members in the employment concerned the union in dispute should arrange a meeting with representatives of the other unions so as to ensure that they are adequately informed of the manner in which it is intended to prosecute the dispute. Where necessary Congress will convene meetings of the unions concerned for this purpose.

Unions should ensure that all officials who are authorised to serve strike notice are fully familiar with the requirement for notification and that this obligation is discharged before the strike notice is sent to the employer.

Single Union Disputes

Where a union wishes to take strike action without involving the members of other unions it is entitled to place pickets where its own members are employed. Under the Industrial Relations Act 1990 primary picketing can only take place at a premises where the employer in dispute works or carries on business. The Act also authorises secondary picketing in limited circumstances and a union is entitled to place secondary pickets within the all-out picket policy but again the picketing must be confined to premises at which the members of the union in dispute are employed. In a single union dispute a union is not entitled to place pickets at a place where all of the employees are members of other trade unions.

A union involved in a single union dispute is not entitled to call on member of other unions who have not been involved in the strike decision to withdraw their labour or stop doing their own work.

Multi-Union Disputes

Where a number of unions are involved in the same dispute they can jointly engage in strike action against the employer concerned. In such cases the members of all of the unions participating in the strike should picket and the members of each of those unions should observe the pickets. However the unions in dispute cannot try to involve the members of other unions who are not involved in the original strike decision. Unions which are not involved in the issue in dispute cannot participate in the strike unless an all-out picket is granted by Congress. (See Note 1)

Note 1: Section 14 (1)(e) of the Industrial Relations Act 1990 provides "Where the outcome of a secret ballot conducted by a trade union which is affiliated to the Irish Congress of Trade Unions or, in the case of ballots by more than one such trade union, an aggregate majority of all the votes cast is in favour of supporting a strike organised by another trade union, a decision to take such supportive action shall not be implemented unless the action has been sanctioned by the Irish Congress of Trade Unions".

This does not prevent unions in dispute from seeking other forms of support from unions whose members are continuing to report for work including a commitment not to carry out any work appropriate to the strikers or do anything that would lessen the effectiveness of the strike.

All-Out Picket

Where a union takes strike action and wants members of other unions to withdraw their labour in support of that strike an application must be made to Congress for an all-out picket. The application should be made well in advance of the commencement of the strike, preferably as soon as the ballot approving the strike is completed. The application must be made on a standard all-out picket application form which is available from Congress. An all-out picket

application can be made by a single union or jointly by a number of unions who are involved in the issue in dispute.

The union or unions making the application must provide details concerning the firm to be picketed and of the locations at which the pickets will be placed. A comprehensive list of all other unions whose support is requested must also be provided.

Each union whose support is requested must be notified by the union making the application and should be provided with comprehensive information on the issues in dispute and the measures taken to resolve the dispute.

Balloting

Section 14 of the Industrial Relations Act 1990 requires unions to conduct a ballot of its members who will be called upon to participate in the strike. The Act also requires that a separate ballot be held to approve an all-out picket application made to Congress. This does not mean that the union taking strike action must have a ballot to approve the application before it is made; what is required is that a ballot be held of all union members who will be called upon to support the all-out picket before it can be approved by Congress. Normally the ballot on the application for the all-out picket will be held following the application and at a time which will be determined by Congress.

However, practical difficulties may arise for the unions applying for the all-out picket in conducting a second ballot in circumstances where their members may already be on strike and it may not be easily contactable. In such cases the all-out picket policy provides that in exceptional circumstances where a union anticipates difficulty in organising a second ballot on the application for an all-out picket the union can consult with Congress on the matter and, if there are special circumstances which warrant it, the union may be authorised to conduct the ballot on the application for an all-out picket concurrent with the ballot to authorise strike action.

Procedure for Processing All-Out Picket Applications

When an application for an all-out picket is received Congress will arrange a meeting between the unions concerned at the earliest available date, normally within ten days of the receipt of the application. The responsibility for notifying Congress as to the unions involved rests with the applicant union. The purpose of the meeting will be to give the applicant union an opportunity to consult fully with the other unions and to consider any observations which those unions may wish to make. Arrangements will then be made for each of the unions concerned to ballot their members on the application and a date will be fixed for a meeting of the Industrial Relations Committee to consider the application.

Unions will be expected to have balloted their members by that date and be in a position to declare a result of the ballot. There is a serious obligation on unions to co-operate with Congress in this regard and to conduct the ballot by the due date and be in a position to declare a result. If a union fails or neglects to fulfil its obligations in this regard disciplinary action can be taken by Congress against that union.

Each of the unions concerned (including the applicant union) must provide Congress with a written statement giving the date on which the ballot was held and the result of the ballot. This statement must be signed by an official of the union authorised by the union for that purpose. The information provided to Congress must also provide details of:

1. the number of ballot papers issued
2. the number of votes cast
3. the number of votes in favour of the proposal
4. the number of votes against the proposal
5. the number of spoiled votes.

Meetings of the Industrial Relations Committee

The Industrial Relations Committee of Congress is drawn from amongst the members of the Executive Council. A quorum for a meeting of the Industrial Relations Committee to consider an application for an all-out picket is at least two members and a member of the Congress staff designated by the General Secretary. An application cannot be considered if the quorum is not present. The Executive Council members must not be members of any of the unions affected by the application.

Before it can grant an all-out picket the Industrial Relations Committee must be satisfied that the procedures which have been set out earlier have been followed. The Industrial Relations Committee must also be satisfied that an aggregate majority of those trade union members participating in the ballot on the application are in support of the application (this is a requirement of the Industrial Relations Act 1990).

Where it is decided to grant an all-out picket the Industrial Relations Committee will decide the date on which the picket is to be placed and the arrangements, if any, to apply in respect of security staff and, in the case of sensitive public services, the arrangements for the provision of emergency services. Such arrangements will be made in consultation with all of the unions concerned.

Where the Industrial Relations Committee feels that problems may arise with the implementation of an all-out picket or on any other decision they may take, the Committee must report to the General Purposes Committee of Congress for direction before finalising their decision. The General Purposes Committee is empowered to decide on the application and to give such directions to the Industrial Relations Committee as they consider necessary.

Date of Implementation

Normally the date of implementation of an all-out picket would be later than the date on which the strike commences. Only in exceptional circumstances will the Industrial Relations Committee grant an all-out picket from the same date as the commencement of the dispute. Normally, one week's notice of the decision of the Industrial Relations Committee to grant an all-out picket will be given to all of the unions concerned. However, the Industrial Relations Committee may waive this requirement in circumstances where all of the unions concerned agree that the all-out picket be implemented from an earlier date.

Periodic Review of All-Out Pickets

Where an all-out picket is granted Congress will arrange for a periodic review of its operation. This review can be undertaken by Congress on its own initiative or at the request of any of the unions affected by the dispute. Congress will also use its good offices to assist in bringing about a resolution of the dispute.

Special Provisions for Security Staff

The Industrial Relations Committee is empowered to make special arrangements regarding the position of security staff employed at a premises against which an all-out picket is authorised.

Picketing at Ports and Industrial Estates

The Industrial Relations Act 1990 provides that a picket must be placed at the premises at which the employer in dispute works or carries on business or, where this is not practicable, at the approaches to that place. This provision was intended to cover picketing at ports or industrial estates or at shopping centres where there are a number of employers carrying on business within the same location.

Since 1984 the all-out picket policy has contained a special provision relating to picketing at ports or industrial estates.

These provisions are intended to ensure that workers who are not involved in any way with the dispute are not prevented from attending at work.

Where a picket (either a union picket or an all-out picket) is directed against a premises located within a port or an industrial estate the union engaged in the dispute should indicate to the port authorities or the owner of the industrial estate their intention to picket outside the particular premises against which the picket is directed. This will normally involve entering onto private property. In the event of an objection by the port authority or the owners of the industrial estate the picket will have to be maintained at the entrance to the port or industrial estate. In such an event the following procedures should apply.

Union Pickets

The picket board should give information to trade union members in other employments or members of other unions in the employment in dispute which clearly indicates the employment being picketed and the union in dispute.

Workers should be advised that the picket applies only to that union's members at the particular employment described on the picket board. Every effort should be made to advise workers and worker representatives at the port or industrial estate of the limit of the picket.

All-Out Picketing

Picketing should be conducted in accordance with arrangements approved by the Industrial Relations Committee of Congress. Every effort should be made to advise workers and their representatives at the port or industrial estate that the picket is directed only against a particular employment located within the estate and at all trade union members within that employment.

Where an all-out picket is granted and it is only possible to picket at the entrance to the port or the industrial estate Congress must be so advised before the picketing starts. Congress will ensure that the picket boards clearly identify the description of the employment in dispute and its location and will also indicate to the union in dispute the location at the entrance to the port or industrial estate which may be picketed.

Maintaining the Picket

The object of a union picket is to inform workers that there is a dispute with the firm being picketed and to call on members of the union in dispute to respect that picket. The purpose of an all-out picket is to call on all workers to respect the picket. The Industrial Relations Act 1990 confines the right to picket to employees of the employer in dispute and officials of the union to which those employees belong (see ICTU publication - Industrial Relations Act 1990, A Users' Guide page 18).

The number of workers picketing should not exceed what is considered adequate for the purpose. It is the responsibility of the union or unions in dispute to ensure that the number of members on picket duty is consistent with achieving the objectives of the picket and should not in any case be such as to cause intimidation or embarrassment to workers not involved in the dispute or workers in other employments.

Responsibility of Unions in Respect of the Picketing Policy

Each union shall be responsible for informing its members fully of the all-out picket policy of Congress. Unions also have a serious responsibility to ensure that its members observe the policy.

Where an all-out picket has been granted each union will be responsible for informing all of its members employed by the employer in dispute, or members who provide direct services to the employer in dispute, of the all-out picket and their obligation to respect that picket.

Where a union picket is placed other unions with members in the employment affected should advise their members to report for work as normal and to carry out their normal work. Unions should endeavour to ensure that their members do not undertake work which would normally be carried out by the workers on strike.

Payment of Dispute Benefit

Unions should not make payments of any type to members who refuse to pass either an unofficial picket or a picket placed by another union where no all-out picket application has been approved.

Breaches of the All-Out Picket Policy

Any breach of the all-out picket policy should be referred to Congress which will investigate specific complaints.

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