

FREE OUR UNIONS

Why Labour must repeal all the anti-union laws



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Contents

■ Union rights: what Labour conference policy says	3
■ The impact of the anti-union laws	4
■ The labour movement we need	5
■ What the laws say	6
■ The history of anti-union laws and resistance	8
■ Winning the arguments	10
■ An acid test for Corbyn's Labour	13
■ Help build the campaign to Free Our Unions	16
■ Free Our Unions statement and supporters	17

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Foreword

At FBU conference in May 2019, we became one of the first national unions to back the Free Our Unions campaign, after the IWGB the previous year and soon followed by the RMT in June. We are very proud to support the campaign.

FBU officials and activists, locally and nationally, have been working with Free Our Unions since it was initiated last year. Alongside our North West secretary, Mark Rowe, I brought the fight to Labour Party conference, speaking at the launch of the first edition of this pamphlet.

Free Our Unions campaigns to repeal all anti-union laws and replace them with strong legal workers' rights, including a clear right to strike. We aim to mobilise the labour movement around this central struggle and to ensure that the Labour Party makes a clear commitment to revolutionise workers' rights. Such an approach would transform the world of work in the UK and significantly improve the ability of workers to defend themselves.

The mandate from Labour Party conference on this issue is clear, as this pamphlet explains. However, while Jeremy Corbyn's leadership has made important promises on workers' rights (such as promoting collective bargaining and ensuring employment rights from day one of a job), it has not yet committed to this policy. That is why this campaign is needed.

Repealing the Trade Union Act of 2016 is an important start, but it is nowhere near enough. For us to be able to organise and fight effectively, all the anti-union laws – back to the first one introduced under Thatcher in 1980 – must go.

At present, we are fighting with our hands tied behind our backs. Anti-union laws have been central to weakening the labour movement and to the resulting spread of insecurity, low pay and austerity for four decades.

Workers need free trade unions and the right to strike so that we can stand up for ourselves effectively. These rights are also essential to stand up for the wider working class and wider community against all manner of injustices – from the fire safety crisis exemplified by Grenfell to the existential threat of climate change.

With a Corbyn-led Labour government possible, now is the time to push for this policy to free our movement. Repealing and replacing the anti-union laws could be the most important legacy of a truly radical government, one that would open the gates for future struggles – a legacy that could truly change society.

Please read, discuss and circulate this pamphlet, and get involved in the campaign.

Matt Wrack
Fire Brigades Union General Secretary
(July 2019)

For more information, see p16 or email riccardo.latorre@fbu.org.uk

Labour's policy on the anti-union laws

We've passed it, now let's campaign for it!

Passed overwhelmingly by Conference 2018

Labour will form a radical government: taxing the rich to fund services, expanding common ownership, *abolishing anti-union laws*, engaging in massive public investment.

Passed unanimously by Conference 2017

Our manifesto rightly said: the most effective way to maintain good rights at work is collectively through a union. Strong unions, freed from legal shackles and bolstered by positive legal rights, will be key to tackling poverty, insecurity and inequality, transforming society and creating an economy that works for the many, not the few. *For unions to be effective, workers need an effective right to strike...*

Repeal the Trade Union Act and anti-union laws introduced in the 1980s and 90s...

Passed unanimously by Conference 2015

The Trade Union Bill... attacks unions' right to fund a working-class political voice, including the vital link between unions and our party ...

Workers' rights, including the right to strike, are essential to the labour movement's ability to stand up for workers' interests, and democracy...

Labour to commit to repeal the Bill and all associated legislation/regulation... and to introduce a comprehensive package of employment rights compliant with ILO core conventions and European human rights obligations, along with the levelling up of workers' rights across the EU; *legislate for strong rights to unionise, win recognition and collective bargaining, strike, picket and take solidarity action.*

Full resolutions at bit.ly/2QjMQgx



The impact of the anti-union laws

In the summer of 2018, civil servants voted by a huge majority to strike for better pay, with over 50,000 voting yes to just 8,000 against. But under the 2016 Trade Union Act, they cannot hold a lawful strike, as the turnout was a bit less than fifty per cent. If twelve thousand more workers had voted – even if they had all voted No – then the union could have called lawful strike action. The same fate befell the lecturers’ pay ballot in the autumn – and then another PCS pay ballot in 2019.

These defeats are the latest in a string of trade union activists being denied our right to strike because of odious laws. **The 2016 Trade Union Act built on legislation introduced by the Tories in the 1980s and 1990s.** Their governments passed nine anti-union laws that, by degrees, removed power from workers.

The Tories **banned the ‘closed shop’** — hard-fought-for agreements between employers and unions saying that every employee had to be in a union: the company only hired members, remaining in the union was a condition of employment. It was a crucial element of union power in workplaces to counteract the power of the employers. Naturally, the Tories hated it and attacked it as an affront to ‘personal liberty’. It was made illegal by 1990.

The Tories also **made sympathy or solidarity strikes – ie. striking in support of other workers – illegal**, attacking the principle of ‘an injury to one is an injury to all’. One of the last significant official solidarity strikes was when twenty thousand South Wales miners

came out in support of the nurses’ pay claim in 1982. Yorkshire miners and print workers had come out to support the Grunwick dispute in 1976-78. Railway workers, miners and dockers were part of a ‘Triple Alliance’ in the 1910s and ’20s to back each other in the event of any of their unions being in dispute, an alliance that led to the 1926 general strike.

The Tories also banned strikes about any issue that was not a ‘trade dispute’ with the workers’ direct employer. This **prevented unions from taking industrial action for wider social and political issues.** Unison organises the majority of workers in the NHS and local government, two sectors the Tories are savagely cutting and privatising, yet political strike action against the policies of the government is not legal.

One of the most powerful things that a union can do in a workplace is to call a meeting on an issue, vote for action and then act straightaway. There are many examples throughout the history of the British labour movement of workers walking out of work for all manner of reasons, whether they got fed up with low wages or unbearably long hours, or perhaps their workmate was sacked unfairly or the manager was a bully. Today the law **requires postal ballots and ‘cooling off periods’** before you can even take a day of strike action.

That means that it can take months to deliver action – in a lot of cases, like restructures or the sacking of a colleague, that can mean the dispute is over before it has started.

The right to a political voice

The 2016 TU Act may seriously harm Labour’s finances – and its politics. The Act insists union members have to positively ‘opt in’ to pay into a union political fund. The Tories want to slash resources for pushing workers’ interests in the political arena. This could strengthen those who want Labour to return to looking to business for donations, or who advocate state funding. The law is grotesquely hypocritical – there are no such limits on corporate funding of parties.

“The modern day Tories see [the Trade Union Bill, shortly to become an Act] as the fulfillment of their ambition to smash the unions started by Thatcher with the miners’ strike and the anti-trade union legislation of the 1980s...

“The early trade unionists taught us an important lesson. If laws are unjust, we have a right not just to oppose them but to defy them.”

- From the intro to *Fight the Anti-Union Laws* (2015)

The kind of movement we need

Thatcher’s era brought not just anti-union legislation but also the strategic defeat of key parts of the working class, from steel workers to print workers, from miners to dockers. The legacy of those defeats and laws is that we now have a smaller union movement that is heavily bureaucratised. Grassroots campaigns from below are difficult and often obstructed.

The decline of the union movement is a huge problem. A strong, combative working class can stand up to the Tories and their austerity agenda. When the working class is self-organised and acts independently, it can win. Much though we want a Corbyn-led Labour government, we do not intend to sit back and wait for it to ‘save us’ from the Tories.

But today our union movement has presided over countless job losses and the lowest pay rises since the 1870s. These things are no surprise when we are also seeing the lowest strike action since World War Two – when strikes were illegal!

John McDonnell is talking about ‘rebalancing the economy’ from the bosses to the workers. Not enough, but a start. We also need to shift power from the union officials to the rank and file. When paid officers of the union decide what kind of action members can take, then our unions are not as democratic and effective as they could be.

McDonnell and the Labour left are also talking about more workplace democracy. Again, a start. We also need more trade union democracy: an empowered membership that can take action as and when we need to; a movement that can fight back against bosses, can begin to develop serious campaigns that actually win, that can begin to correct years of growing wealth inequality.

The Clarion has been campaigning for a more radical trade union movement, led by the grassroots. We want to see the anti-union laws repealed and unions restored to their proper strength. The right-wing media will decry this as a return to the ‘bad old days of the 1970s’: we disagree. We celebrate the kind of strong workplace organisations and mass workers’ action which flourished between the late 1960s and the mid-1980s.

We cannot return to that labour movement; the new, stronger labour movement of the future will look very different. But repealing the anti-union laws can be a step towards the better days of the 21st century, with democratic trade unions playing a leading role in the fight for workers’ rights, better pay and conditions and more democratic say in how our lives are run.

What are the anti-union laws?

For a longer and more detailed summary explaining all the anti-union laws, see the website of the Institute of Employment Rights ier.org.uk/resources/chronology-labour-law-1979-2017

1980 Employment Act

- Definition of lawful picketing restricted to own place of work
- 80% ballot needed to legalise a closed shop
- Funds offered for union ballots
- Restricted right to take secondary action
- Code of practice (recommended only six pickets)

1982 Employment Act

- Further restrictions on industrial action – eg. definition of trade dispute
- Further restricted action to ‘own’ employer
- Employers could obtain injunctions against unions and sue unions for damages

1984 Trade Union Act

- Political fund ballots every 10 years
- Secret ballots before industrial action

1986 Public Order Act

- Introduced new criminal offences in relation to picketing

1988 Employment Act

- Members can seek injunction if no pre-strike ballot
- Union finances to be open to inspection
- Unions prevented from paying members’ or officials’ fines
- New restrictions on industrial action and election ballots

1989 Employment Act

- Restricts time off with pay for union duties

1990 Employment Act

- All secondary action now unlawful
- Unions liable for action induced by any official unless written repudiation using statutory form of words sent to all members
- Selective dismissal of strikers taking unofficial action

2016 Trade Union Act

- 50% turn out threshold for strike ballots
- 40% yes vote required in ‘essential public services’
- Unions now must give 14 days’ notice of any industrial action
- Picketing regulations become more stringent, and statutory, not just advisory
- New powers for the Certification Officer to inspect unions finances and issue fines
- Union members are not automatically enrolled in the union’s political fund; they must opt in

"The balloting process is deliberately made long and difficult. For people who've not been involved in organising before, that process can be scary. Just the fact that the employer has been given notice can make you nervous. What we've lost is the days when you were able to sit in a room with your friends from work and raise your hand and there was that moment of comradeship. People are stuck at home with their ballot, on their own, and second guess and psych themselves out.

"The ban on flying pickets is important too – we would have liked to go to other stores, to show them what we were doing and give their confidence a boost, but we couldn't.

"These laws were put there to stop workers demanding their rights. While they remain, our rights will continually be taken away. If they're repealed we'll have a much better chance of protecting ourselves and fighting to win."

- Shen spoke to *The Clarion* about UK McDonald's workers' first strike, January 2018



1972: Docker activists Vic Turner (centre) and Bernie Steer released from Pentonville prison after mass unofficial strikes protest their jailing under Edward Heath's 1971 Industrial Relations Act (see next page). The Act quickly became a dead letter

Anti-union laws and resistance: the history

1799

Combination Act bans trade unions.

1824

After a long struggle **unions legalised**, but severe legal restrictions introduced in 1825.

1834

Tolpuddle Martyrs, six Dorset agricultural workers, transported to Australia for union activity. After a mass campaign they are pardoned and return in 1836.

1871

After growth of trade unionism, **unions more fully legalised**; restrictions on picketing introduced but repealed in 1875.

1901

House of Lords upholds a legal ruling, on behalf of the Taff Vale Railway company against the ASRS (rail workers' union), that trade unions are liable for employers' loss of profits during strikes; other strongly anti-union rulings follow in 1901 and 1905.

1906

Surge in support for the Labour Representation movement, election of 29 Labour MPs; new Liberal government's **Trades Disputes Act overturns Taff Vale**, etc, and institutes immunities for legal strike action, in effect the legal right to strike.

1927

After the defeat of the 1926 General Strike, the Tories' **Trades Disputes Act** bans strikes aimed at influencing the government, restricts mass picketing and insists that union members must 'contract in' to pay money to Labour.

1946

Attlee-led Labour government **repeals 1927 Trades Disputes Act**, but maintains wartime anti-strike regulations until 1951, using them in some disputes.

1969

Wilson-led Labour government proposes anti-union laws ('In Place of Strife') but abandons them in face of union opposition.

1971

Heath-led Tory government introduces the Industrial Relations Act, which interferes in unions' internal affairs, suppresses unofficial strikes and establishes a special court system empowered to prevent strikes.



1972-4

Dockers jailed after picketing in violation of the Act (the Pentonville Five) released after mass unofficial strike wave; government and employers defeated in a series of disputes, including two national miners' strikes; the Act effectively dies. In 1974 Heath calls a general election, asking 'Who runs the country, the government or the unions?' The Tories lose; Wilson-led Labour government **repeals the Industrial Relations Act**.

1980-93

Bit by bit, as they defeat the labour movement and become more confident, the Thatcher and Major Tory governments pass nine Acts which make most forms of trade union action illegal (see p6). The Labour Party accepts more and more of these laws and drops promises to repeal them.

1997

Tony Blair boasts about keeping 'the most restrictive union laws in the Western World'.

2005

Gate Gourmet dispute: Heathrow baggage handlers walk out illegally in solidarity with sacked catering workers; Labour Party conference demands legalisation of solidarity action.

2006

John McDonnell begins campaigning for a Trade Union Freedom Bill.

2010

Labour leaves office with all anti-union laws still in place.

2015

Shortly after Jeremy Corbyn's election, Labour conference demands strong policy for right to strike, take solidarity action, and picket effectively.

2016

Tory government under David Cameron passes the Trade Union Act.

2017

Labour conference demands repeal of all anti-union laws.

“McDonald’s workers were penalised for joining a union, but through utterly courageous actions they voted to strike, with the support of the Bakers Union. But the Bakers Union could do a lot more to support workers without the onerous restrictions of the Trade Union Act and all the other anti-trade union laws.

“The McDonald’s strikers, the Picturehouse workers and those in service industries are often young people. At the last election we saw the highest turnout of young voters for 25 years. Those young workers turned up for us: now we must turn up for them.”

- Excerpt from Maria’s speech for our motion at Labour Party conference 2017

Winning the arguments

Our demand to repeal the anti-union laws will meet opposition from the press, the Tories and, sadly, from the Labour right. And it may surprise people who accept the current laws because they are used to them and because they have not heard a clear, active and consistent opposition to them. Maybe this is why Labour’s leadership usually speaks only about repealing the most recent anti-union law, the 2016 Trade Union Act, rather than all of them.

Let’s build that clear, active and consistent opposition and shift opinion back towards support for free trade unions. If we are confident in our arguments, then there will be no need for the Labour leadership to retreat before the whipped-up outrage.

Here we tackle some of the arguments we may face. If we encourage debate on the issues, we can win over the doubters.

1. You can’t have strikes without a ballot!

Workers want to make democratic decisions about strikes. There are various ways in which we can do this, depending on the situation. We could have online voting, or ballot boxes in workplaces. We could hold workplace meetings where people can vote by ballot there and then. Sometimes a delegate meeting or conference of some sort might need to decide. There may be times when workers judge that we need to simply walk out, for example in order to take quick and decisive action against an immediate attack from the employer. Or workers may come out on strike when other workers appeal to them with pickets.

All these are legitimate democratic processes in the appropriate situation, and yet the law bans them all! It insists that only postal ballots can authorise industrial action: a slow and onerous process where union members vote individually, at home rather than in the workplace. It is a process designed not to bring democracy to union affairs, but to slow down and atomise the way we decide on action – and if possible prevent it altogether. Moreover, the law requires long periods of notice and absurdly detailed information from unions which ballot members, and provides employers with lots of trivial grounds on which they can challenge ballots.

It is up to union members what democratic processes we use to decide on the action we take. It is not up to the state to dictate our 'democracy' to us. No-one thought that compulsory postal ballots were an unavoidable fact of life before they were imposed in the 1980s!

2. Mass picketing and flying pickets mean intimidation

The point of a picket is to discourage people from going into work. The more people we have on our pickets, the more effective we can be. The legal limits on numbers are designed to make pickets ineffective and so to undermine strikes.

The ban on 'flying pickets' means that strikers cannot go to other workplaces, even those run by or linked to their employer, and so cannot go and explain their case to other workers and ask for support. This ban is about making strikes ineffective.

The Tories' and employers' opposition to 'intimidation' is hypocritical. Employers intimidate workers when they tell us we are going to be sacked or have our pay cut, or when they make us work in dangerous or stressful conditions, or give us disciplinary warnings for being too sick to work. When we rebel against these things, we are asserting our rights. Employers (and strike-breakers) are only intimidated because they don't want to be pressured into conceding our rights.

3. The 'closed shop' violates people's right to decide

It may or may not be a good idea for a union to insist on compulsory union membership in a given workplace or company, but that is up to the workforce, through their union, to decide – or, in reality, to agree with the employer – not the state.

And is compulsory union membership really so outrageous? Do people have the right to, for instance, not pay taxes? Or to ignore health and safety laws? Or to sell their right to vote in public elections? All workers in a well-unionised workplace benefit from the union's presence and strength, so it is understandable why a strong union might insist that people are not allowed to stand aloof from the union while pocketing the pay rises that it has won.

4. The state must insist on unions being democratic

Do we really believe that Thatcher cared about union democracy? Or that laws which enable courts to use every legal technicality to ban strikes which union members have voted for are actually upholding democracy? Of course not!

Trade unions are not always as democratic as we want them to be. We support efforts by rank-and-file trade unionists to make their unions more representative and responsive. Some undemocratic union practices in the past – such as election of officials for life – helped the Tories to justify the introduction of laws to partially control union constitutions, but the purpose of this control was to tame unions, not democratise them.

For example, the Tories (and Tony Blair) claim that postal ballots are the only democratic way to make decisions about strikes, but while they introduced (and in Blair's case, kept) a legal

requirement for unions to ballot members before calling a strike, they made no such requirement to ballot before calling a strike off. That tells us what these laws are really about — preventing workers from taking action to fight for our rights.

The anti-union laws have not made the unions more democratic, and they certainly haven't put them under the control of members as their proponents claimed. A democratic union is one which is run by its members, not one which is fenced in by the state.

5. Strikes for political goals are undemocratic

Are demonstrations for political goals undemocratic? What about direct action and civil disobedience? We think that a society where working people have extensive rights to organise and take action to influence the government is far more democratic than one where those rights are curtailed. If you accept popular action to influence and pressure governments, then do not exclude the most effective form of such action: strikes.

Also, because the right to strike is limited only to 'trade disputes' with your own employer, even workers' right to take action over our own immediate working conditions is severely limited. We see strikes declared illegal by the courts (or prevented by union officials who deem them illegal) when, for example, they challenge privatisation, or they relate to an action by a different employer (eg if you work for a contractor). It is not undemocratic to strike over these issues!

6. Repealing the anti-union laws would be unpopular and lose Labour votes

Firstly, it is not clear that this is true, rather than a 'fact' which has simply been declared. Tony Blair's government refused to renationalise the railways on the grounds that nationalisation was 'unpopular', but last year's general election result – and numerous opinion polls – have shown that it is in fact a very popular policy.

Secondly, we can affect by our own actions what is popular and what is not. Many deeply unpopular but very progressive policies – from votes for women to LGBT+ rights – were made popular by the determined efforts of activists and movements. We can help make the anti-union laws unpopular and their repeal popular. The first step is to confidently declare that our next Labour government will repeal them.

Which side are you on?

If you are on the side of workers standing up for ourselves, then you will support the repeal of the anti-union laws. The kind of heroic struggles we saw between the '60s and the '80s faced difficulties enough without the laws we have now. We will be in a much better position to win the smaller struggles taking place today and the bigger struggles we will have again in the future if we win the repeal of these laws.

Repealing the anti-union laws: an acid test for Corbyn's Labour

There is a long history, right back to the legalisation of trade unions in the 1820s, of the labour movement successfully campaigning to overturn laws aimed against workers' ability to organise and fight. In the twentieth century, our movement has overturned anti-union laws three times:

- In 1906: compelling the Campbell-Bannerman Liberal government to nullify Taff Vale and other anti-union legal rulings
- In 1946: Attlee's Labour government repealing the 1927 Trade Disputes Act
- In 1974: Wilson's Labour government repealing the 1971 Industrial Relations Act.

All those governments acted within their first year in office. In contrast, Tony Blair and Gordon Brown's governments lasted thirteen years and not only kept every single one of Thatcher and Major's nine anti-union laws on the statute books, but boasted about doing so.

A decisive difference between 1906, 1946 and 1974 on one hand, and 1997-2010 on the other, was the degree of labour movement pressure. Harold Wilson had actually proposed anti-union laws of his own in the late 1960s, but backed down in the face of union opposition. Before Labour under Wilson returned to office in 1974, the Industrial Relations Act was rendered virtually inoperative by mass strikes in defiance of it; then Edward Heath's government was brought down by new waves of strikes. In that context, Wilson could not get away without repealing Heath's anti-union law.

The Liberal government which overturned Taff Vale legislated in defiance of its own backbenchers because it was scared by the rise of the Labour Representation Committee, which had surged in the 1906 election and renamed itself the Labour Party. The early Labour Party was not revolutionary or even very radical, but it waged a political campaign for workers' rights and won. The demand for the right to strike, following alarm at Taff Vale and other anti-union legal judgments, gave Labour a huge boost.

Matt Wrack, Fire Brigades Union General Secretary

"State interference in the voluntary organisations of workers – we should have a principled objection to that. Our starting point has to be, we don't support anti-union laws – full stop.

"We need to discuss how we get rid of them. We need to discuss how we get this into the manifesto and how do we make sure we get a Parliamentary Labour Party that will all vote for it when it comes up.

"The unions have to be clear what the unions want. If we look at the Blair-Brown years, the question has to be asked why did Labour-affiliated unions allow 13 years of Labour government to go through and not see the repeal of those laws, because it's put us in a much weaker position as a trade union movement."

After 1906 there was, of course, repression of workers' struggles, but very few restrictions on what was legally possible. Unions did not have to jump through numerous bureaucratic hoops for a strike to be legal, there were no legal restrictions on what a dispute could be about, and it was legal to picket anywhere.

To this victory, contrast what happened in the run up to and after 1997. In the 1990s most union leaders accepted the anti-union laws would stay, allowing themselves to be bought off with small changes to procedures for union recognition and the repeal of the ban on trade unions at GCHQ; and there was not sufficient activist pressure to force them to demand more. The labour movement lost an opportunity to rebuild itself after Thatcherism, and entered the capitalist crisis from 2008 in a weakened state.

For sure, Jeremy Corbyn is not Tony Blair! He has a long record of campaigning for workers' rights, including repeal of the anti-union laws. But since 2015, while he and John McDonnell have sometimes made clearer, sharper comments about these issues, in general they have prioritised a mainstream Labour line limited to saying 'Repeal [only?] the Trade Union Act'.

Repealing the 2016 Act would only take us back to 2015, leaving the vast bulk of the anti-union laws – all of those introduced in the '80s and '90s under Thatcher and Major – in place.

Blair's 1997 Labour manifesto said: 'We make it clear that there will be no return to flying pickets, secondary action, strikes with no ballots or the trade union law of the 70s.' We want Labour to say the opposite. It was too hard for workers to take action in the 1970s. The idea that a left Labour government would not, at the bare minimum, return us to the legal situation of 1979, before Thatcher introduced her first anti-union Act, is absurd. We need to make it easier to take action than it was in the '70s, by repealing all the anti-union laws and replacing them with positive legal rights for workers and their unions, including a strong right to strike.

No legal framework can substitute for rebuilding strong workplace organisation and a strong labour movement, or enable us to win without a struggle. But we will be better placed to achieve that with a legal framework which minimises the impediments to workers organising and fighting.

The 2015 and 2017 Labour conferences voted unanimously for clear policy in support of these kind of demands, and the 2018 conference reiterated the commitment. A leadership which fails to campaign for them cannot claim to serve either workers' interests or Labour Party democracy.

This is no small issue. There are many areas in which Labour policy would benefit from being strengthened, but the right of workers to organise and strike is decisive for any politics that seeks to go beyond liberalism – for a meaningfully left-wing, let alone socialist, agenda.

Moreover, this is the issue that can unlock many other issues. Workers' freedom to fight will be decisive for achieving our movement's wider demands and perhaps to ensuring the success of

a Corbyn government. It will hugely increase our power to rein in profiteering corporations; to reduce the scandalously high level of workplace deaths, injuries and illnesses; to fight inequalities; and to confront the threat of climate change. Our opponents often portray the demand for free trade unions as a call to return to the past, with images of white men in traditional manual work. But free unions will benefit all workers, and will make it easier to organise and win in those sectors where workers are most exploited and least secure, in modern workplaces such as call centres where women, young and migrant workers predominate.

If the anti-union laws remain, we will face a potential eruption of struggles and dangers with our arms tied behind our backs. From the smallest workplace dispute to the biggest political conflict, the anti-union laws will continue to hamstring our movement unless we fight and scrap them.

The Tories, the right-wing press and Labour ‘moderates’ will scream at the notion of solidarity strikes, mass pickets and so on. The pressure not to repeal the anti-union laws will only grow once Corbyn is Prime Minister, particularly if the party has not clearly set out its intention to scrap these laws. We cannot avoid facing hysterical opposition if we are to rebuild our movement – but we can challenge it and beat it.

So let’s proudly and forthrightly declare our aim of repealing the anti-union laws and enacting strong legal workers’ rights, including the right to strike, and let’s step up that fight now.

After all, laws themselves only have so much power. The Thatcher government did not feel confident to use its first anti-union laws it, even after it had introduced them. The laws got their power once the government and the employers had defeated and shackled the unions, helped in part by many union leaders’ unwillingness to fight the assault against them. Even more debilitating than the laws themselves has been the movement’s acquiescence in them, which has helped to corrode our culture of self-activity and solidarity.

Britain’s trade union movement can rebuild itself in the twenty-first century, if it makes some radical changes and takes up some crucial battles. Defeating the anti-union laws is an essential part of that. Repealing them is an acid test for a left Labour government. Fighting seriously to make it happen is an acid test for the whole labour movement.



Help build the Free Our Unions campaign

If you agree with us and want Labour to repeal *all* the anti-union laws, get involved.

- Order more copies of this pamphlet to sell or distribute.
- Invite a speaker from the campaign to your union branch, CLP, etc, or organise a meeting.
- Put the Free Our Unions statement initiated by Lambeth Unison to your branch or organisation (see overleaf) and circulate more widely. bit.ly/212CJbG
- Put a motion to your Labour Party. Model motion at bit.ly/2BmHhIV
- Send any motions or statements passed to Jeremy Corbyn and John McDonnell's offices. Lobby Labour MPs: yours, or nearby, or sponsored by your union
- Download our posters and take a photo at your meeting or demonstration bit.ly/2G9GWwB

For help with any of this, email freeourunions@gmail.com. All of the above and more 'Free Our Unions' resources at theclarionmag.org/campaigning-against-anti-union-laws

Bob Crow and John Hendy

"The first task of the trade union and labour movement is to reveal the truth about these laws. They must demand that the anti-union laws are repealed.

"No doubt the demand for repeal will draw contempt, criticism and scare stories from the press. But the arguments in favour of repeal and replacement are formidable and irrefutable. Furthermore, the movement has its own culture, history, images and analysis which are as persuasive as anything the media can create.

"More importantly still, if the movement does not go on the offensive with its ideas and vision, there is left a void which is filled only by the ideas and vision of its enemies.

"The demand for replacement of the anti-union laws must be pressed whether or not it is approved of by Mr Murdoch and his media empire. There is no reason for the labour movement to feel that it should not make demands of the Labour Government. That is its job!"

• Bob Crow of the RMT and John Hendy QC, from their 1998 pamphlet *Reclaim our Rights – Repeal the Anti-Union Laws*.

Support this statement

WE NEED THE RIGHT TO ORGANISE AND STRIKE – FREE OUR UNIONS

Statement, motion to propose it in your union branch and more at bit.ly/212CJbG

We need abolition of the anti-trade union laws, which hamstring workers organising and taking action, and their replacement with strong legal workers' rights. Otherwise we are fighting the challenges of low pay, insecurity and lack of rights with our hands tied behind our backs.

We applaud the 2017 Labour Party conference's unanimous call for repeal of not just the 2016 Trade Union Act, but also the "anti-union laws introduced in the 1980s and 90s" by the Tories and maintained after 1997; and for a "strong legal charter of workers' rights". "For unions to be effective workers need an effective right to strike". This builds on the unanimous 2015 decision that the next Labour government should "legislate for strong rights to unionise, win recognition and collective bargaining, strike, picket and take solidarity action".

We will campaign for:

- Complete and speedy repeal of all anti-union laws.
- Strong legal rights for workers to join, recruit to and be represented by a union; strike/take industrial action by a process, at a time and for demands of their own choosing, including in solidarity with any other workers and for broader social and political goals; and picket freely.
- The right to reinstatement for workers found to have been sacked unfairly. A complete ban on dismissal for industrial action, however long it lasts. Full rights from day one of a job.
- Strong rights for unions to access workplaces, win recognition, and establish collective bargaining, including sector-wide bargaining.
- Unions' right to decide their own policies and activities, determine their own structures and rules, and spend their funds as they choose, free from state and employer interference, in line with ILO Conventions and the European Convention on Human Rights.

Supporters so far • Lambeth Local Government Unison • Unite Community and Not for Profit Youth Workers NW • Unite Community SE London • Unite Loretto Care Glasgow • GMB Central London General • IWGB (national) • Hackney Picturehouse BECTU • Croydon NEU • PCS DWP East London • RMT Bakerloo Line • RMT London Transport Regional Council • CWU Greater London Combined • Southwark NEU • Lewisham NEU • RMT East Ham • Unite Central London Voluntary • PCS DWP Sheffield • Exeter UCU • Barnet Local Government Unison • Unite GPM National Publishing & Media • Hillingdon Local Government Unison • East Midlands Central RMT • Leeds NEU • Lewisham Trades Council • London-wide PCS DWP BEC reps meeting • Hastings & District TUC • Notts Trades Council • Northampton NEU • Nottingham Unite Community • London Underground Engineering RMT • Notts Trades Council • Finsbury Park RMT • Cambridge UCU • Newcastle City Unison • Piccadilly & District Line West RMT • Lewisham Southwark College UCU • Leeds NEU • Lambeth TUC • West Mids FBU • Nottingham ASLEF Greater Manchester FBU • Eastern Region FBU • Suffolk FBU • Bedfordshire FBU • Norfolk FBU • Woburn branch FBU • Hertfordshire FBU • Essex FBU • Essex control FBU • Basildon branch FBU • Unison Wakefield Local Government • NW Region FBU • Barnet Trades Council • RMT Waltham Cross and District • PCS DWP London HQ • London Region FBU • Sheffield NEU • Cambridgeshire FBU • PCS Ministry of Housing, Communities and Local Government HQ • FBU (national) • Ipswich Trades Council • RMT (national)... The bulk of the statement was included in motions passed by Unite Policy Conference 2018 and Unison Labour Link conference 2019.

What is The Clarion?

The Clarion is a socialist online magazine and campaigning group organised by a network of activists in the Labour Party. We are committed to building the Labour Party, to involving many more young people, to revitalising trade unions and the wider labour movement, to class struggle-socialist policies and politics, to reporting and sharing what's going on across the movement, to clear analysis and to lively debate on the left.

We publish reports from CLPs and campaigns, interviews, labour movement history, political analysis, socialist theory and material on support for and developing workers' struggles.

We have an emphasis on crucial issues that are often neglected on the Labour left, such as reviving and transforming trade unionism, anti-oppression struggles, migrants' rights and free movement, public ownership of the banks and finance, and making the arguments for replacing capitalism with socialism! We are internationalists, committed to opposing Brexit and fighting for free movement.

Our first issue came out for Labour Party conference 2016 and we published monthly until September 2018. From then we have replaced the print magazine with a regular series of pamphlets, of which this was the first – in addition to our online articles and coverage.

For back issues see **theclarionmag.org/issues-of-the-clarion-so-far**
For our new pamphlet on academies and schools policy **bit.ly/2XzgK77**

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The 2016 Trade Union Act was the latest in a long line of laws introduced since 1980 to undermine the power and organising ability of unions and make most forms of workers' action illegal.

These laws have played a central role in weakening the trade union movement. They hamper our ability to fight now, and if they remain will play an even more dangerous role in bigger struggles in the future, including potentially political struggles under a Corbyn government.

The 2015, 2017 and 2018 Labour Party conferences voted for clear policy to repeal all the anti-union laws, and replace them with positive legal workers' rights, including a strong right to strike. We need to ensure Labour actively campaigns for this and includes it in its next manifesto. For 13 years the last Labour government kept all the anti-union laws on the statute book – we must not repeat this experience.

This pamphlet discusses the issues involved and the campaign we need to build.



***The Clarion* is a socialist publication and campaigning group organised by Labour activists**

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