

Trade Disputes

What is a trade dispute and when does it exist?

The golden formula

- “in contemplation or furtherance of a trade dispute”
- TULR(C)A 1992, s 219

Necessary elements of a dispute

- Dispute between workers and their employer
- Only current workers
- Dispute with union is sufficient

When does a dispute arise

- ‘sparring for an opening’: Beetham v Trinidad Cement [1960] AC 132
- ‘disagreement about an issue’: Secretary of State for Education v NUT [2016] EWHC 812
- Existence of dispute objectively assessed, but subjective views key
- Ceases to exist when matters resolved.

Contemplation or furtherance

- Depends on the subjective view of the union not the Court.
- Sufficient even if perceived advantage is slight.

Trade Dispute

- Subject matter of dispute providing for protection.
- ‘Wholly or mainly’.
- Ascertainment of reason for dispute by looking at how union presents it.
- Published material, social media etc.