

A rise in alternative, non strike protests and wildcat action?

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Corporate Campaigns: organised protest

- **Aim:** to identify and exploit vulnerabilities in stakeholder relationships on which all companies depend
- **Execution:** flash mobs/blockades; boycotts; social media; disrupting AGMs; targeting NEDs, suppliers, consumers and investors
- **Outcome:** the stakeholder becomes the union's agent for change

US experience 1980s - 2000s

- Context:
 - Union membership reducing
 - Legitimacy of strike action decreasing
 - Repositioning of unions
- Development of corporate campaigns:
 - Sodexo: RICO lawsuit accusing SEIU of an “illegal campaign of extortion”

UK: The Carr Review:

- Terms of Reference: to assess
 - the alleged use of extreme tactics in industrial disputes
 - the effectiveness of existing legal framework to prevent inappropriate or intimidatory actions
- Cases reviewed:
 - INEOS Grangemouth
 - Total Lindsey
 - BESNA
 - Olympic London buses
 - Howdens
 - DP World

Academic review

- Classification:
 - Recognition
 - Strike complement
 - Strike substitute
- Drivers:
 - Restructuring
 - Supply chain
 - Global link
- Vulnerable employers:
 - Consumer facing
 - Public procurement

Understanding the enablers

- Key enablers:
 - Social media: WhatsApp
 - Campaigners: environment, tax
 - Soft law/human rights: globalisation
 - OECD's NCPs
 - Corporate brand: hard to build, easily damaged

Len McCluskey, Unite:

"...Your Executive Council has set aside £[36] million to jump start a dispute fund... to support our members in struggle through a new leverage strategy, hitting back at employers all the way up and down their supply chain and their customer chain."

"When we are dealing with employers who we regard as acting in an immoral fashion...then we will reserve the right to use whatever tactics we can legally."

New unions: new approaches

"unions have lost their way, and function more to control workers than advance their interests"

Protest: from side lines to centre stage

"The Prince was written by Machiavelli for the Haves on how to hold power. Rules for Radicals is written for the Have-Nots on how to take it away":

Saul Alinsky

"To defeat global corporate giants, we can't just mount the picket line and hope. The hostile employer must face a campaign of escalation in which brains as well as brawn are deployed":

Len McCluskey

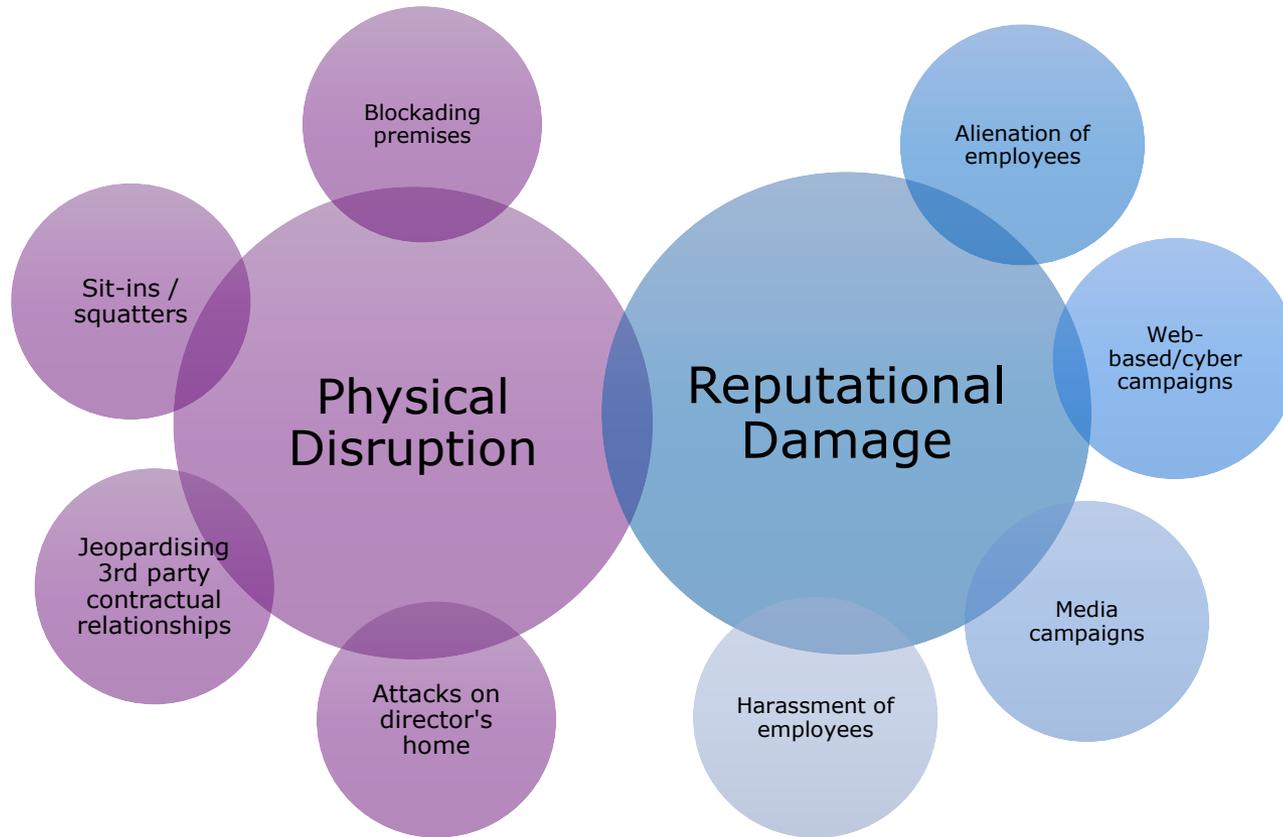
"Please find attached for your urgent attention a notice of ballot...we will also be engaging in regular, disruptive and high profile direct actions...[see also] the videos in the links below which show a small selection of our recent demonstrations":

Petros Elia, UVW

The Rules: edited extracts

- Power is not only what you have but what the enemy thinks you have
- Make the enemy live up to their own book of rules
- Ridicule is man's most potent weapon
- A good tactic is one that your people enjoy
- The threat is usually more terrifying than the thing itself
- Maintain a constant pressure on the opposition

Overview: tactics deployed



Picketing vs Protest

Picketing	Protest
Limited: strike, workplace, employees	Anytime, anywhere, anyone
Code of Practice	Human rights (A5,8,10,11)
1992 Act	Common law principles
Gate Gourmet v TGWU	TCS v United Voices of the World

Human Rights?

- Article 5 – liberty and security
- Article 8 – respect for private and family life
- Article 10 – freedom of expression
- Article 11 – freedom of assembly and association
- Article 1 Protocol 1 – peaceful enjoyment of possessions

Conclusions

– Law

- Strike law
- Property law
- Human rights law

– Facts

- Different causes; tactics and remedies
- Fast moving
- Evidence circumstantial

– Increasing

- TU Act
- Soft law
- Social media

Wildcat to WhatsApp

- Framework
 - Un-balloted action?
 - Induced by union?
 - Repudiated?
 - Delay until unofficial
- Challenges
 - Evidence of inducement?
 - Ballot unlawful
- WhatsApp: unions redundant?
 - Strikes
 - Self-employed

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