

## Conduct on Picketing Guidance

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**From:** Head of Employee Relations

**Date:** January 2018

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### LEGISLATION

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- The criminal law applies to pickets just as it applies to everyone else. Picket persons must abide by criminal law, including public order rules when organising pickets.
- Unions are expected to follow advice contained in the \*Code of Practice on Picketing: The Code of Practice on Picketing can be found on the Department for Business, Energy & Industrial Strategy [website](#).

### UNIVERSITY GUIDANCE

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#### 1. Introduction

- 1.1 The purpose of this guidance is to provide information on picketing in Trade Union disputes for those considering organising or being part of a picket or activities associated with picketing and/or employers, workers or members of the general public who may be affected by picketing or any associated activities.
- 1.2 There is no legal right to picket as such, but attendance for the purpose of peaceful picketing has long been recognised to be a lawful activity. However, regulations that came into practice in March 2017 mean that Unions must appoint a picket supervisor who is either a Trade Union Official or other member of that Union for industrial action involving picketing to act as point of contact. Without an appropriate picket supervisor, picketing would not be lawful.
- 1.3 Where staff believe that the picketing is inappropriate in any way please immediately contact [AskHR](#) for further advice and inform Security.

#### 2. Picketing

- Picketing can take place at any time during a dispute
- Picketing can only occur at, or near to an entrance or exit from a site at which those picketing work, but not on University premises or premises owned by a third party without their consent.
- It is not lawful for pickets to picket at any place of work other than their own, even if they work for the same employer or are covered by the same collective bargaining agreement. There are special exceptions to this requirement for Trade union officials.
- Should picketing occur on University premises, HR should be informed immediately
- Picketing may not occur outside buildings on other organisations estates
- The Code of Practice provides the legal guidance as to what is reasonable.
- The Code suggests that pickets and their organisers does not exceed six at any entrance to, or exit from a workplace and that frequently a smaller number will be appropriate: These are not hard and fast rules but it is likely that the courts would view six as the appropriate number.
- A picket can be either a current employee who is in dispute with the employers or a trade union official, lay or salaried.

- A picket has no right to stop people, compel them to listen or to exert pressure upon them. A person who decides to cross a picket line must be allowed to do so.

### 3. Conduct

- 3.1 It is in everyone's interests for picketing to be carried out in a safe and non-confrontational way and to avoid unpleasant or dangerous incidents at all times. Pickets must not prevent people from going to work, present an obstruction or prevent an individual from doing their usual work if they want to.
- 3.2 Conduct including picketing which is not peaceful and which, for example leads to violent or abusive behaviour, intimidation or obstruction of the highway is likely to involve offences under criminal law and/or a civil claim against the University. For employees of the University it could result in an investigation into conduct under the University's Disciplinary procedure. Any such incidents must be informed at [AskHR](#) immediately.

### 4. Safety

- 4.1 Safe operation of the picket lines is paramount at all times. Picket Supervisors, Pickets and employees should do all they can to keep safe and not put their self or others at risk.
- 4.2 The code of practice on picketing states: *A picket has no right under the law to require a vehicle to stop or to be stopped. The law allows the picketing person only to ask a driver to stop by words or signals. A picket may not physically obstruct a vehicle if the driver decides to drive on or, indeed in any other circumstances. A driver must – as on all other occasions – exercise due care and attention when approaching or driving past a picket line, and may not drive in such a manner as to give rise to a reasonably foreseeable risk of injury.* Cited from the Code of Practice on Picketing

### 5. Third party sites

- 5.1 Where industrial action will impact sites that are shared or owned by other third parties e.g. Southampton General Hospital, NOCS and Boldrewood the University will need to inform the management and security at these sites of the dates of the industrial action. It is the responsibility of the relevant Dean of Faculty or Director of Service or their nominees to provide the required notice.

#### RESPONSIBILITIES

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- Picketing persons and employees have a personal responsibility for their own health and safety.

#### VERSION CONTROL

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<b>Last updated:</b>	New guidance		
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	IAPG		06 February 2018
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