



# Fire Brigades Union

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## Campaign (Picket) Line Guidance

### Introduction

There are some basic rules that must be observed if campaigning (picketing) is to be carried out and we are to remain within the law. Much of this law stems from the Tory years in office and as a result of their wish to break the miners strike. Labour has not removed the laws on picketing and draconian as some are, members should be aware of them.

To keep within these rules, the purpose of such campaigning during lawful strike periods should only be done in pursuit of our trade dispute and it must be carried out by a member attending at or near their own place of work. Our place of work would normally be our station or control room though of course our employers tell us that our place of work is in fact the whole brigade in which we serve.

### Officials

An FBU official, in addition to attending at or near his or her own place of work, can also attend at or near the place of work of a member. The law provides that an official whether a lay official or an employee of the union is regarded for this purpose as representing only those members whom they have been specifically appointed or elected to represent. This gives for example a Brigade Official the right to attend pickets at or near workplaces within their Brigades. A Health and Safety rep has many responsibilities for all members and all places where we might have to work. The same rights may apply to members of the Brigade Committee or other Officials who can demonstrate representative responsibilities for members at or near various workplaces. The General Secretary could under the same rights attend any station or workplace where members work as he would have responsibilities for them directly.

### Campaign (Picket) Line

The purpose of a campaign (picket) line is to peacefully persuade a person to work (or not to work) or to peacefully obtain or communicate information. This information is for other workers or for members of the public.

**Fire Service Employees** - Our campaign line will involve persuading firefighters or control staff to interfere with the performance of their contracts of employment by not going to work during the period of a lawful strike. Campaign line attendees must follow the rules outlined to retain protection against civil proceedings afforded by the 'statutory immunities'.

**Non-Fire Service Employees** - The law contains provisions which also make it lawful for a peaceful picket, at the members own place of work or station to seek to persuade workers other than those employed by the members own employer not to work, or not to work normally; i.e. it is possible to try and persuade a delivery driver not to deliver goods. To have such protection, the peaceful picketing must be done:

- by a worker employed by the employer who is party to the dispute' or
- by an official whose attendance is lawful.

Where an entrance or exit to a station, control or other workplace is used jointly by the workers of more than one employer (e.g. a county council headquarters site with other workers and headquarters staff working on the site) the non fire service workers should not be interfered with by FBU picketing activities but the notes above still apply.

### **Location of Campaign (Picket) Line**

The expression 'at or near his own place of work' is not detailed in statute law. Campaigning should be confined to a location or locations, as near as practicable to the place of work, and members should consider where would be the most effective position for a campaign line if a position "near" their station or workplace is more effective than one "at" the workplace.

The law does not protect members who trespass, or those who organise such trespass, from being sued in the civil courts. If we have been told we are banned from stations for example we could, if brigades were foolish enough to do so, be sued for trespass.

Anyone seeking to demonstrate support for those in dispute should keep separate from any picket line so as not to create a risk of breach of the peace or other criminal offence being committed on that picket line. This would also stop any accusation of mass picketing. However, it is not illegal for people to meet in public places, walk along a street, cross a road, or talk in groups with friends so long as an obstruction is not caused. There has been a case where walking in a circle across a junction was found to be unlawful but it is not unlawful to simply use a highway. Members have the same rights as any other member of the public when walking along a street.

### **Conduct at the Campaign (Picket) Line**

In no circumstances does a picket have any power to demand other people to stop, or to compel them to listen, or to do what he or she asks them to do. A person who decides to cross a picket line must legally be allowed to do so.

The law **does** allow us to seek to explain our case to those entering or leaving picketed premises, and to ask them not to enter or leave the premises where the dispute is taking place. This may be done by speaking to people, or it may involve the distribution of leaflets or the carrying of banners or placards putting our case. In all cases, however, any such activity must be carried out peacefully. Any banners must be made so as not to be offensive and placards the same. Pickets will also have no legal protection if they do or say things, or make offensive gestures at people.

If a picket commits a criminal offence she or he is just as liable to be prosecuted as any other member of the public who breaks the law. The immunity provided under the civil law does not protect them in any way.

The criminal law protects the right of every person to go about his lawful daily business free from interference by others. No one is under any obligation to stop when a picket asks him to do so, or if he does stop, to comply with any request such as not to go into work.

Everyone has the right, if they wish to do so, to cross a picket line in order to go into their place of work or to deliver or collect goods. However a picket may exercise peaceful persuasion, but if someone goes beyond that and tries by means other than peaceful persuasion to deter another person from exercising those rights they may commit a criminal offence.

A criminal offence for us on the campaign line would include:

- 1) Using threatening, abusive or insulting words or behaviour, or disorderly behaviour within the sight or hearing of any person.
- 2) Using threatening, abusive or insulting words or behaviour towards any person with intent to cause fear of violence or to provoke violence.
- 3) Threatening unlawful violence.
- 4) Obstruct the highway or the entrance to premises or to seek physically to bar the passage of vehicles or persons by lying down in the road, linking arms across or circling in the road, or jostling or physically restraining those entering or leaving the premises.
- 5) Carrying an offensive weapon.
- 6) Intentionally or recklessly to damage property.
- 7) Engaging in violent, disorderly or unruly behaviour or to take any action which is likely to lead to a breach of the peace.
- 8) Obstructing a police officer in the execution of their duty.

We can't require a vehicle to stop or to be stopped. The law allows us only to ask a driver to stop by words or signals (non-offensive signals!). We may not physically obstruct a vehicle if the driver decides to drive on or, indeed, in any other circumstances. However the same driver must also exercise due care and attention when approaching or driving near our picket line. In any such event the details are to be taken down in the picket log.

### **Policing**

It is **not** a legal requirement that there must only be 6 pickets on a picket line.

It is not the function of the police to take a view of the merits of our or any other dispute. They do have a general duty to uphold the law and keep the peace, and the law gives the police discretion to take whatever measures may **reasonably** be considered necessary to ensure that picketing remains peaceful and orderly.

The police have **NO** responsibility for enforcing the civil law. An employer cannot require the police to help in identifying the pickets or officials against whom he wishes to seek an order from the civil court, nor is the job of the police to enforce the terms of an order.

Enforcement of an order on the application of a plaintiff is a matter for the court and its officer. (The police can though, decide to assist officers of the court if they think there may be a breach of the peace).

As regards the criminal law the police have discretionary powers to limit the number of pickets at any one place **where they have reasonable cause to fear disorder**. The law **does not** impose a specific limit on the number of people who may picket at any one place.

It is for the police to decide, taking into account all the circumstances, whether the number of pickets at any particular place provides reasonable grounds for the belief that a breach of the peace is likely to occur. If a picket does not leave the picket line when asked to do so by the police, they may be liable to be arrested for obstruction either of the highway or of a police officer in the execution of his or her duty if the obstruction is such as to cause, or be likely to cause, a breach of the peace.

The Public Order Act 1986 (section 14) allows the police to impose conditions (for example, as to numbers, location and duration) on public assemblies of 20 or more people where the assembly is likely to result in **serious** public disorder; or **serious** damage to property; or **serious** disruption to the life of the community.

We aim to have lawful, peaceful, dignified campaign lines attended and run by professional, approachable members.

### **Organisation of the campaign line**

An experienced person, preferably an official should always be responsible for the campaign line. Even when not on the line he or she should be available to give the pickets/campaigners advice if a problem arises or inform them of who to contact.

## **Considerations for FBU Campaign Line Organisers**

- 1) Campaign line attendees understand the law and that the picketing is conducted peacefully and regard is had for the law;
- 2) Anyone crossing the campaign line should be recorded in the activity log for safety reasons as they may well be working alone;
- 3) Number of campaigners at any entrance to, or exit from, a place of work is not so great as to cause difficulties on the campaign line itself;
- 4) Close contact with brigade officials, is established and maintained;
- 5) Welfare considerations and the ability of members to maintain the picket in all weathers and conditions;
- 6) Arrange a rota for the picketing which will include the watch who would be on duty that day/night. For retained stations a rota will be needed arranged at a local level.
- 7) Maintain a log of Members attending campaign line duty;
- 8) Maintain a donations received book;
- 9) An activity log should be kept of, any attendance by the police, public etc and any events or dialogue etc. It is important that this is kept up to date as it may be useful to us in event of any challenge to our lawful picket;
- 10) Campaigning Pickets are clearly identified;
- 11) Ensure 'Official Picket' signs/posters/banners are clearly displayed;
- 12) Ensure any messages, offers of support are recorded and forwarded to the branch and brigade officials;
- 13) Personal difficulties are to be reported to brigade officials immediately;
- 14) Attendance at any campaign line by the press is to be dealt with by the appointed person from the branch.