

# Human Resources

## Picketing Policy

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South Yorkshire  
Fire & Rescue  
WORKING FOR A SAFER  
SOUTH YORKSHIRE

## Picketing Policy

### 1. Introduction - What is Picketing?

- 1.1 Picketing is where workers involved in industrial action attend a workplace to increase support for their cause by communicating information or persuading others not to work or not to carry out a part of their contracts of employment. Industrial action takes place when workers refuse to carry out a part of their contracts of employment.
- 1.2 A picket line is the description given to those who gather outside or near the entrance of the workplace. These workers taking part in industrial action, locked out workers and trade union representatives.
- 1.3 When pickets try to persuade people not to go into work, or not to deliver or collect goods, they may in effect be inducing them to break/interfere with the performance of their employment or commercial contracts. For such inducement to be lawful it must satisfy certain conditions laid down by the law:
- That the picketing is at or near the pickets' own place of work.
  - That the purpose of the picketing is peacefully to obtain or communicate information, or peacefully to persuade a person to work or not to work.
- 1.4 There are, however, three exceptions to the rule that an inducement in the course of picketing has immunity only if it is done at or near the pickets' own place of work:
- 1) A trade union official may accompany a member of his union with whom he represents so long as the member is picketing at his own place of work.
  - 2) A person who does not normally work at one place, or if it is impracticable to picket the actual place of work, may picket employer premises from which he works.
  - 3) A person who is not in employment may picket at his former place of work but only if the termination of his employment gave rise to/is connected with the dispute.

### 2. The law and picketing

- 2.1 You can lawfully join a picket line as long as the picketing is:
- Connected to a trade dispute which you are involved in.
  - Carried out at or near your own place of work.
  - Carried out peacefully.
- 2.2 If any of the above doesn't apply, SYFR may be able to sue the employee or their union for damages under civil law.

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- 2.3 Picketing which is not peaceful and which leads to violent or abusive behaviour, intimidation etc is likely to involve offences under the criminal law. The law gives no protection to people who commit such offences in the course of picketing and they may be arrested and prosecuted by the Police. Offences include:
- 1) Constituting a “public nuisance” which involves any act “upon or near a highway whereby the public are prevented from freely, safely and conveniently passing along the highway”.
  - 2) Under the Highways Act 1980, Section 137, under which it is an offence wilfully to obstruct the free passage along a highway without lawful authority or excuse.
  - 3) Under TULR(C)A, Section 241 (intimidation/annoyance).
  - 4) Under the Protection from Harassment Act 1997.
  - 5) Under the Public Order Act 1986 which regulates public demonstrations.
- 2.4 The law allows pickets to seek to explain their case to those entering or leaving the picketed premises and to ask them not to enter/leave. This must be affected peacefully. Material can be distributed but content may be defamatory or amount to threat/harassment – this equates to a civil wrong. This applies to making offensive gestures or saying things that amount to threat/harassment.
- 2.5 Furthermore, it is a criminal offence for pickets to:
- Use threatening or abusive words or behave in a threatening manner towards others passing close by the picket line.
  - Get in the way of other people attempting to enter or leave premises being picketed.
  - Be in possession of an offensive weapon.
  - Damage property, either deliberately or recklessly.
  - Cause or threaten to cause a breach of the peace.
  - Obstruct a public highway, such as a road adjacent to the premises being picketed.
  - Prevent, or attempt to prevent, a police officer from carrying out their duties.
- 2.6 There may be police present at a picket line. The police can take any measures they feel necessary to ensure picketing is peaceful or orderly.

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- 2.7 Employees will be liable for any breaches of criminal or civil law they commit, or incite (encourage) others to commit, while they are picketing. This includes:
- Trespassing.
  - Causing a noise nuisance.
  - The use of threats, libel or slander, and offensive material in leaflets, banners, placards, chants or speeches.

### 3. Organisation of Pickets and Picket Lines

- 3.1 Large numbers on a picket line are likely to give rise to fear and resentment amongst those seeking to cross that picket line. **Accordingly, pickets and their organisers should ensure that the number of pickets does not exceed six at any entrance to, or exit from, a workplace; frequently a smaller number will be appropriate.**
- 3.2 Wherever picketing is “official” (organised by a TU), an experienced person, preferably a TU official, should be in charge of the picket line. S/he should have a letter of authority from his/her TU which can be shown to the Police or people wanting to cross the picket line.
- 3.3 Everyone has a right to cross a picket line. Pickets should not distress members of the public or impede essential supplies, services and operations – including police, fire and ambulance etc.
- 3.4 If an employee has not crossed a picket line when expected to do so, they will need to evidence that they did everything reasonably possible to do so. If SYFR considers that every effort was not made, the organisation will deem the individual to have joined the industrial action. This means pay will be withheld.
- 3.4 SYFR will ensure alternative workplaces or entrances are utilised where employees are reluctant to cross a picket line.
- 3.5 A picket line should only comprise those employees that work at that particular location. No one else should participate in the picket line and any attempt to do so may result in the police being informed. Where people not involved in the picket wish to participate in discussion with someone on the picket, this should be done a way from the picket to avoid any difficulties.
- 3.6 Employees, including TU officials, will not be permitted to enter the premises being picketed at any time and for any reason during the period the picket is in operation.
- 3.7 Employees are reminded that the issues of harassment and bullying are not suspended merely because there is a dispute and the Authority’s Dignity at Work policy and disciplinary procedure continue to apply.

**If you require any further guidance on this document, please contact  
Human Resources- Transactional HR**