

# **Break this Law**

**Industrial Relations Act ... Codes of Practice**

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**A BAN on strikes in ‘essential services’. That was the call from the bosses and conservative politicians in the wake of the ESB workers dispute. The PDs and the Greens made reference to treating the ESB workers ‘like the army’, TDs from the main parties talked of a ban on strikes in ‘essential services’, making them more difficult to have, or compensating workers who lost their right to strike.**

The union leaders, far from telling these characters where to get off, offered to restrain their own members through a ‘voluntary’ code of practice. Phil Flynn, joint General Secretary of the white collar union IMPACT, told his conference that he welcomed the fact that codes were being prepared by the Labour Relations Commission.

## **BYE BYE IMMUNITY?**

To back up this ‘voluntary’ code the Labour Relations Commission (LRC) is considering removing the immunity from prosecution enjoyed under the 1906 Trades Disputes Act. This would allow bosses, or others, to sue unions or individual strikers for loss of income or service caused by a strike if the “correct procedures” had not been complied with.

These procedures are probably the extension of the ‘cooling-off’ period to one month (i.e. plenty of time for management to arrange strike breaking), compulsory arbitration before a strike can legally take place and enforcement of a ‘minimum level of service’ — decided by the boss and politically appointed agencies like the LRC — during a strike.

## **THE LIST**

The essential services that are being talked about by the government and the ICTU include the ESB, hospitals, buses, trains, fire brigade, water pumping, sewage, refuse collection, An Post and Telecom. If they get away with this attack on the hard fought for right to strike, the list will grow.

Workers in every job, not just the essential services, do not strike for the hell of it. They go without wages and often get into debt. It is insulting to talk of ‘cooling-off’. It would be a lot more honest to admit this is a way for the boss to buy more time for plans to beat the workers.

## **NOBLE RECORD**

To talk of a statutory level of cover during a dispute is even worse. It suggests that nurses would leave patients to die, ESB workers would cut the power to hospitals or ambulance drivers refuse to attend an accident scene. Trade unionists have a very noble record of providing a high level of emergency cover during strikes in truly essential services. They do it without being asked and they do it without pay.

These proposals to further muzzle workers are in addition to last year’s Industrial Relations Act. This was voted in by the Dáil without even a whimper from the ICTU. They had given a commitment to new legislation in the Programme for National Recovery.

## **COPYING THATCHER**

The biggest changes are in respect of secret ballots, secondary picketing and cases involving individual workers. The first is almost a word for word copy of the anti-union laws passed in Britain when Thatcher ruled the roost.

Section 14 forces a secret ballot to be held for all forms of industrial action, including overtime bans and working to (the bosses') rule. Every person who may be effected by the action has to be given an 'equal entitlement' to vote. Seven days notice of any action has to be given to the boss. If these rules are not followed the boss will be free to get an injunction and the union could even have its negotiation licence taken away.

## **DELAY, DISCOURAGE, DEMORALISE**

The point is to delay action for as long as possible, widen the grounds upon which an injunction can be obtained and discourage workers from taking the most effective action. In most situations quick action brings the best results. Now it is not legal to stage an immediate walk out even in a unsafe work situation.

Not only must you give a weeks notice but the balloting regulations are such that it is made harder to take a vote at a meeting. This is where it is best done. Everyone can hear both sides of the case and ask questions before voting whether to strike. Now an injunction could be granted on the basis that anyone not present did not have an 'equal entitlement'. Another step towards compulsory postal ballots.

## **SYMPATHY ACTION...NOT ALLOWED**

If you decide to go out on strike, you will want the strike to be effective. This means hitting the employer hard, making sure that all business is halted. To do this it is necessary to stop your employer moving production or distribution elsewhere.

There were always restrictions on secondary picketing, these have been extended under the new law. Pickets will only be allowed at the "place where another employer who has directly assisted yours carries on his business".

It is not stated what 'directly assisted' means in law. Knowing the record of Irish judges we can say with certainty that they will take a very narrow view of this clause. Recently an injunction was granted in the River Valley dispute to prevent the SIPTU strikers calling on other workers to black the company's products because such a call interfered with River Valley's commercial contracts. (Yet one more example of the impartiality of the law!).

## **INDIVIDUAL CASES**

No industrial action involving one worker is permitted unless long drawn out procedures have been complied with. Even in a case of unfair dismissal workers still have to go though all the procedures before taking action. This can take up to six months.

Speedy action is the way to get a fellow worker reinstated. Waiting half a year is a great way to ensure that nothing happens.

No legal definition of an individual case is given in the Act, so once again it will be up to judges to decide. However, as trade unionists we should not be concerned with definitions. We have always held the “an injury to one is the concern of all”. So-called individual cases can be used to change conditions, set precedents and victimise shop stewards.

## **GOVERNMENT TO WRITE UNION RULE BOOKS**

The unions have been given two years to change their rule books to comply with the new law. Failure to do so could result in the loss of legal immunity. If the union membership decide they want to keep their rules the way they are and reject the new ones, the union Executive is given the power to change the rules anyway.

If they decide to respect the democratic wishes of their members and keep the old rule book, the union’s negotiation licence can be withdrawn. This is blatant interference by the state in the internal affairs of our unions.

## **BREAK THE LAW**

The Industrial Relations Act is an anti-union law. If we don’t put up a fight against both it and the proposed ‘codes of practice’ the bosses will walk all over us. The British trade union leaders did nothing to stop the Thatcher laws. Now anti-union legislation is well established there. We don’t want that to happen here.

Speakers should be invited into section and branch meetings to put the case against the Industrial Relations Act, motions against it should be passed at all levels of the union movement. We should oppose the attempts to change the rule books. When workers come into conflict with the Act we must build real support for them. We should make the law unworkable.

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