



# **EIS Guidance on Picketing**

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Picketing is a key part of strike action. Significant efforts should be made by local representatives to ensure that there is a picket line at the main staff entrance of schools and workplaces subject to industrial action by the EIS.

As with other aspects of industrial action, the law around picketing is strict and tilted towards favouring the employer. The law and best practice (from a legal perspective) are summarised in the UK Government's Code of Practice on Picketing.

### **Purpose of Picketing**

Technically, the role of an EIS picket is to:

1. Communicate information to members, pupils, parents/carers and other third parties about the rationale for the action.
2. Persuade EIS members to abstain from work, i.e. to not cross the picket line.

In reality, picketing forms several other functions too:

1. Brings striking members together to form a sense of camaraderie, which is beneficial to the Branch and the union as a whole.
2. Allows social media activity to be generated.
3. Shows to the employer that the strike is well-supported and strong.
4. Shows to other members and other staff that the strike is well supported on strong.
5. Allows members to discuss the ongoing dispute and often meet full-time officials or elected leaders.

### **Picketing and the Law**

The law does not impose a specific limit on the number of people who may picket at any one workplace.

The police have considerable discretionary powers to limit the number of pickets where they have reasonable grounds for believing that a breach of the peace is likely to occur.

The UK Government's Code of Practice on Picketing, which is not in itself legally enforceable, suggests that a picket line should not exceed six.

There is therefore no set limit on picket size – but EIS pickets should ensure that the size of the picket does not block the workplace entrance or give rise to any perception other than it being a peaceful demonstration by striking workers.

There is no legal requirement for any person that crosses a picket line to listen to what a picket says or to do what the picket asks them to do. EIS pickets should only seek to dissuade fellow EIS members from crossing the picket line and thereby abstaining from work. A person who decides to cross a picket line must be allowed to do so.

Picketing should be regarded as a peaceful activity. Where picketing is not peaceful, or if another worker/employer complains, then the police may be called.

### **Picketing and Professional Conduct**

Teachers should note that the GTCS CoPaC also applies to them whilst they are carrying out picketing activities.

### **What Happens if the Council Closes your School**

If a school has been closed by the strike, and the Branch feels that a picket line will have little/no impact, the Branch may decide to ask members to picket local council offices, lobby MSPs/Councillors offices or to concentrate on local rallies, instead.

Likewise, there may be some smaller or isolated schools where the Branch believes that a picket line will have little/no impact. In these situations the Branch may decide to ask members to lobby local council offices, or concentrate on local rallies, instead.

### **Role of School Reps**

Every School Representative is, ex officio, the EIS Picket Supervisor and will have a letter to that effect. If the Picket Supervisor believes that the picket is too large then she/he should set up a picket rota or split the group to picket any second entrance to the school/workplace.

You should only attend a picket at your own place of work, such as school. Technically, there is a provision for picketing "near his/her own place of work" but this is unusual.

Members are advised only to picket their own place of work. If you have more than one workplace – eg IMT, supply – then you should choose your picket location.

We will arrange a national webinar for Reps/picket supervisors prior to the first day of strike action in order to help with planning and to answer any queries members may have.

## **Steps to be Taken Before Day 1 of Strike Action**

The School Rep, as the Picket Supervisor, will ask all members to mount a picket on the strike day, unless the workplace will be closed as a result of the strike action and it is judged that efforts should be focused elsewhere. Any picket should run from 7.30am (or earlier if the Branch wishes) until 10.00 am.

Flyers and posters will be prepared and distributed to school Branches for use on picket lines.

Every secondary school has been sent two "EIS Picket Supervisor" armbands and Picket Supervisor approval letters sent to every school representative.

To schools without reps, we have sent Picket Supervisor letters which have no name printed and the Branch will need to nominate Picket Supervisor.

## **On the Strike Day**

The Picket Supervisor will bring her/his letter of appointment and an armband identifying them as an EIS Picket Supervisor.

A large workplace may have two entrances and will require two picket lines- one each with a Picket Supervisor.

Members should appreciate that on strike days they shouldn't park in the school carpark if there is one.

The Branch should have arranged for placards and EIS flags on the picket line. It is also a good idea to sort out coffee/tea/cakes for pickets- it always helps morale!

Pickets should be visible and active. Ensure that you display EIS official picket signs where they can be seen both by those entering the workplace and by passers-by.

Pickets should outline to staff, pupils, parents/carers and passers-by that the strike is in pursuit of the decent pay claim around the value of inflation.

After the picket line has closed, members should go about their business other than work activities, as they are on strike.

The EIS may also arrange local or national rallies to focus activity on some strike days and members are encouraged to take part however they can.

Tweeting and posting photos of the picket line on Facebook is also recommended and allows Branches from around Scotland to see each others' activity which helps build solidarity and momentum.