

## **EIS Guidance on Picketing**

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 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](#).

In principle, the EIS supports mounting pickets at all workplaces affected by strike action, even if the workplace is closed by the strike action.

## **Purpose of Picketing**

According to the Code of Practice: "The only purposes of picketing declared lawful in statute are:

- peacefully obtaining and communicating information: and
- peacefully persuading a person to work or not to work."

In reality, picketing forms several other functions for trade unions:

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.

## **What Happens if the University Management Close the University**

If a university will be closed by the strike, the Branch may decide to ask members to lobby MSPs offices or concentrate on a local rally, instead.

## **Role of Branch Reps**

Every EIS Branch Official is, *ex officio*, the EIS Picket Organiser and will have a letter to that effect. If the Picket Organiser 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 university/workplace.

You should only attend a picket at your own place of work. 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 – e.g. different campuses – then you should choose your picket location.

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

The Branch Secretary, as the Picket Organiser, will ask all members to mount a picket on the strike day. If the workplace will be closed as a result of the strike action and it is judged that efforts should be focused elsewhere, the Branch may decide against mounting a picket in some cases and to carry out alternative collective actions as outlined earlier in this advice. Any picket should run from 7.45am (or earlier if the Branch wishes) until 9.30 am.

Flyers and posters will be prepared and distributed to the Branch for use on picket lines.

Every picket Organiser will be issued with a Picket Organiser approval letter.

## **On the Strike Day**

The Picket Organiser will bring her/his letter of appointment. At ENU, the Picket Organisers will be EIS staff – who will either be at the picket line or able to attend at short notice.

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

The Branch will 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, students, and passers-by that the strike is in order to stop redundancies at ENU.

Tweeting and posting photos of the picket line on social media is also recommended and allows members, politicians and key stakeholders to see the activity of the strike and helps build solidarity and momentum.

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