

Chapter 12: TUs and Industrial Action

Question 1

Recent discussions about the possibility of strike action in response to the public sector pay freeze have highlighted both how constrained trade unions are when taking industrial action and have caused many to question their relevance in the modern world of work.

Discuss.

Commentary

Two issues are raised here. The first relates to the constraints placed upon unions when considering industrial action. It is essential that you can show the examiner that you have a detailed understanding of matters such as balloting and notice requirements under TULRCA. The second issue is perhaps a related one as there is certainly a school of thought that says that one reason for the decline in trade union membership is that potential members question their relevance as they may perceive unions as being able to do much by way of extracting concessions from management. This part of the question requires you to show that you have wider knowledge of the industrial relations landscape. Good students will then be able to present an argument, supported by academic authority, of whether unions remain relevant or not.

Question 2

To what extent has the courts approach to the torts of inducing a breach of contract, interference with a contract of business, conspiracy, and intimidation shown a concern for preventing trade unions from interfering with an employer's operations?

Commentary

At first glance this question is asking you to show that you understand the common law as it relates to these particular torts. However, the examiner is also asking you to reflect on the development of the law in this area. Good students will also discuss the relevance of section 219 TULRCA in this area.