



Politics and lack of evidence stymie union law review

Bruce Carr QC, the barrister commissioned by the Government to undertake a review of union law, has stated that the impending general election and the limited quantity and breadth of the evidence he has received means that he will only be able to provide a limited report, without the anticipated recommendations for change.

The Carr Review's website states that the review was intended to provide "an assessment of the alleged use of extreme tactics in industrial disputes, including so-called leverage tactics, and the effectiveness of the legal framework to prevent inappropriate or intimidatory actions in trade disputes", and to make proposals and recommendations for changes in the law if necessary. Leverage is a controversial tactic that is seen by detractors as a method of unofficial action. According to Unite's website, it is a "process whereby the Union commits resources and time to making all interested parties aware of the treatment received by [union] members at the hands of an employer. Those interested parties may include shareholders of the employer; competitors of the employer; communities within which the employer operates; customers of the employer and the market place of the employer." It is alleged that leverage tactics were used to intimidate managers in the recent industrial dispute at the Grangemouth oil refinery in Scotland, with one manager claiming that Unite's leverage team spent 90 minutes protesting on his driveway with flags, banners and a 10ft inflatable rat.

Concerns over the evidence received from both employers and unions mean that, while Mr Carr will still attempt to assess alleged extreme tactics and the effectiveness of the legal framework, he will no longer make proposals or recommendations. Mr Carr's recent announcement also mentioned the difficulty of producing his report given the increasingly politicised nature of the subject matter. It is likely that this is a veiled reference to the recent announcement by Francis Maude, the Minister for the Cabinet Office and co-commissioner of the review with Vince Cable, that the Government intends to introduce tough new union laws if it wins next year's general election. These new laws would tighten up the rules on picketing, as well as prescribing that a minimum of 50% of eligible union members must vote in order for a strike to be lawful and that strike action must take place within three months of the relevant ballot.

Several high-profile industrial disputes around the country this year, including the action at Grangemouth, have ensured that union law will be a big-ticket issue in the run-up to the general election in May 2015. The Carr Review is due to be submitted in early autumn this year.