

UVW Response to the Joint Committee on Human Rights' call for Evidence on the Police, Crime, Sentencing and Courts Bill

We are United Voices of the World Union. We are a member-led trade union comprised of precarious workers across several sectors, including cleaning, security, catering, portering, the outsourced facilities services sector, sex workers, architects, childcare workers, charity sector workers and legal sector workers.

We offer our solidarity to all groups affected by the vast provisions of the Bill. As a direct action and campaigning trade union, we are most alarmed by Part 3 of the Bill which seeks to increase police power to impose conditions on public processions, assemblies and create new 'public nuisance' offences. We accordingly surveyed our members on their views of the Bill to inform our response to this call for evidence. We outline our key findings from this survey which make clear that our members believe that this Bill would amount to an affront to what we consider our right under Article 11 of the ECHR to effectively organise and collectively take action as workers through trade union activity.

The ability to protest and picket workplaces

94% of our members surveyed stated that they believe that the PCSC Bill will negatively impact their ability to protest, with 6% stating they were unsure and 87.9% of members surveyed stating that they believed that their ability to picket their workplace while on strike would be negatively impacted.

88% of our members stated that they believe that making noise at protests and on picket lines has been necessary to UVW's victories. Our victories include historic wins for thousands of the most precarious workers, including regularly securing wage increases as high as 25%, full sick pay, winning withheld wages after reliance on statutory rights, such as s44 of the ERA 1996, and ending outsourcing in the NHS and universities resulting in the distribution of millions of pounds into the pockets of Britain's lowest paid and precarious workers and often those most discriminated against.

These victories represent an essential balancing of power between bosses and workers and one tool in achieving this has been our ability to effectively picket and protest our workplaces.

Our members conveyed that our protests and pickets outside workplaces have been characterised by noise, dancing and shouting. We are therefore concerned that pickets such as these will be vulnerable to police interference since they would inevitably 'result in serious disruption to the activities of an organisation', and they would have 'a relevant impact on persons in the vicinity.'

Our members stated:

“Under the amendments to s12, the police would be able to impose conditions on static protests that cause a significant impact on persons in the vicinity, defined as (a) the intimidation or harassment of persons of reasonable firmness with the characteristics of persons likely to be in the vicinity, or (b) causing such persons to suffer serious unease, alarm or distress. Pickets are rowdy and unruly and should be - they strike at the heart of the means of production. As such they are likely to cause serious unease.”

We are concerned about handing powers to the police to determine the meaning of ‘serious disruption’. The police’s use of their existing powers in manners that are disproportionate with human rights is instructive in anticipating the abuse of power which would follow if the Bill is passed into law. As a union representing migrant workers, we are concerned about the disproportionate use of police power against black, brown and racialised groups. We also note that in January 2020, UVW Head of Legal was unlawfully arrested while attending our peaceful picket in solidarity with striking security guards outside St George’s medical school. Other UVW members, including our former General Secretary, have also been unlawfully arrested at peaceful pickets and protests and we believe that these unlawful arrests, designed to deter effective direct action, will become more common with the passing of the Bill.

UVW members made clear that we do not believe that the right to peaceful assembly and free expression are adequately protected by the Bill:

“As a trade unionist, I consider that they want to take away the only way we have to reach the bosses and be heard, because it is the only way that we can get bosses to sit down to negotiate with the workers”¹

“Picketing a workplace is by nature loud and disruptive, “serious disruption to the activities of an organisation which are carried on in the vicinity” is precisely the point of such action and without this, there is no effective strike action”

“The bill obscures the boundaries between peaceful protest and public threat - especially concerning noise.”

“Nobody wants to get arrested and charged, therefore this bill will discourage many people from fighting for their rights and impair our ability to highlight problems and create a change.”

¹ Original: ‘Como sindicalista, considero que nos quieren quitar la unica forma que tenemos de llegar a los jefes y ser escuchados, porque es la unica forma que los jefes se sienten a negociar con los trabajadores’

“It empowers law enforcement to use their discretion on far-reaching grounds, using vague terms regarding noise and disturbance. In practice, this will mean that the police will be able to shut down protests at will.”

“The risk of conviction is much higher and the sentence if convicted much worse”

“Our ability to protest is already negatively impacted by existing police powers. The brunt of police interference is already felt disproportionately by certain groups. UVW will feel the sharp edge of this Bill as a union with a proud large migrant membership.”

Legal Sector Workers and Part 12 of the PCSC Bill

Legal Sector Workers United (LSWU) is a branch of UVW. LSWU held an all member’s meeting in which the ramifications of Part 12 of the PCSC Bill was discussed. Members raised concern about s168 of the PCSC Bill which seeks to amend s51 of the Criminal Justice Act 2003 to allow a court to require or permit a person to take part in eligible criminal proceedings through live audio or video links, including members of a jury.

Members appreciate the utility of remote attendances in relation to administrative and procedural hearings, but expressed concerns over the normalisation of remote attendances for substantive hearings as a cost-saving measure, due to the detrimental effect on the participation of court users.

The limitations of remote attendances in relation to substantive hearings from courts and police stations have been displayed on many occasions over the course of the lockdown period.

Members concluded that, in suitable hearings, remote attendances should only take place with the consent of those being represented and, in those instances, there should be parity of access to remote attendance between those being represented and other court users.

United Sex Workers: potential amendments to the Bill

United Sex Workers (USW) is a branch of UVW. USW members responded to our survey to raise alarm at a potential amendment to the PSCS Bill by Labour MP for Hull North which could criminalise the clients and the advertising spaces of sex workers. USW is concerned that the amendment does nothing to decriminalise the workplace. One member wrote:

“The Nordic Model reduces the number of our clients, which makes it more difficult to turn down those who make us feel unsafe. It also makes it more difficult to enforce

boundaries, such as condom usage. It makes us more likely to work in unsafe areas to escape law enforcement. And, statistically speaking, it makes us more likely to be murdered by our clients.

This is also a labour rights issue. If our workspaces are criminalised, we cannot organise them. If we have to keep our profession hidden out of fear of legal repression, no collective action is possible to improve working conditions”

Conclusion

UVW believes that the Bill represents yet another statutory infringement of worker’s rights in favour of the State and employers:

*“It seems that it would be relatively simple for a protest to be shut down on the grounds that it could result in serious disruption to the activities of an organisation which are carried on in the vicinity. **The wording of the Bill weighs heavily in favour of the employers.**”*

We call on the Committee to take our members’ views into consideration and reiterate that this Bill represents a mortal threat to the rights of workers to effectively organise, to the extent that 60% of our members surveyed would consider ignoring the restrictions this Bill seeks to impose on protests if passed into law.