10. Industrial action

This chapter considers the law relating to strikes and other industrial action including the important changes made by the Trade Union Act 2016. It deals with the historical development of common law and statute in this field to illuminate the current law. The relevance of the European Convention on Human Rights is considered. The tortious and criminal liabilities flowing from industrial action are considered and the crucial immunity for tortious liability provided by the ‘golden formula’ including the exceptions to this immunity and the preconditions of complying with rules on balloting and notice of industrial action. Picketing is considered in relation to the many legal liabilities and the statutory immunity for some peaceful picketing. The granting of injunctions to stop industrial action is examined. The impact of industrial action on individual employees is considered in relation to their contractual rights and liabilities and the law of unfair dismissal.
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