

# Strikes and industrial action

## 1 . The law on industrial action

Industrial action is when employees take action against their employer because of a work dispute. This is usually organised by a trade union.

Types of industrial action include:

- striking
- picketing
- action short of a strike, for example refusing to work overtime

In some situations, an employer might take industrial action. For example, a 'lockout' to stop workers from working.

Industrial action is usually a last resort when other ways of negotiating have not worked.

Employees, employers and trade unions must follow industrial action law, mainly covered by the:

- Trade Union and Labour Relations (Consolidation) Act 1992
- Employment Rights Act 1996

## Official action

Official industrial action is when a trade union has followed all the legal rules. This includes holding a ballot for members to vote.

During official industrial action, employees are protected by industrial action law.

### Striking

This is when employees take action by refusing to work.

[Find out more about striking](#)

### Picketing

This is when employees and trade union representatives stand outside a workplace to tell people why they are striking.

[Find out more about picketing](#)

### Action short of a strike

This is when employees continue to work but withdraw some of their labour.

For example:

- 'working to rule' – this means refusing to do work that is optional in their contract, for example refusing to work overtime
- 'go slow' or 'slowdown' – this means deliberately slowing down their work
- refusing to do a specific task or part of the job

If the trade union has followed a legal ballot process, employees are protected by industrial action law.

Action short of a strike does not usually break the work contract.

If you need more advice about contracts and pay during action short of strike, [contact the Acas helpline](#).

## Unofficial action

Unofficial industrial action is when either:

- a trade union takes action without following the legal rules
- employees take action that's not authorised by a union

If employees take unofficial action, they are not protected by industrial action law. However, they'll still have their usual employment rights.

Examples of unofficial action include:

- secondary action
- unofficial or 'wildcat' strikes

## Secondary action

Secondary action is when workers take action in support of striking workers at a different workplace. This is sometimes called 'sympathy action'.

For example, refusing to cross a picket line, or refusing to handle goods or services from the employer involved in the dispute.

## Unofficial strikes

A strike is unofficial when either:

- a trade union strikes without following the legal rules – for example not holding a ballot
- employees strike without involving their union – sometimes called a 'wildcat strike'

[Find out more about strikes](#)

## If someone takes unofficial action

Employees who take unofficial action are not protected by industrial action law. This means they could be fairly dismissed for taking unofficial action. However, they'll still have their usual employment rights.

If an employer feels there's an issue with the employee taking part in unofficial action, they must follow a full and fair disciplinary procedure.

For example, if a delivery driver refuses to cross the picket line of a different employer, it's up to the driver's employer to decide whether it's a problem. If they feel it's a conduct or performance issue, the employer must follow a full and fair disciplinary procedure.

If you're considering taking unofficial action, you can:

- talk to your trade union representative for advice
- [contact the Acas helpline](#) to talk through your options

## Holding a ballot

To take official action, trade unions must get agreement from their members by holding a ballot.

The ballot asks members to vote on taking industrial action – for example, to strike, take action short of a strike, or both.

For the ballot to follow the legal rules, the trade union must:

- hold the ballot before taking industrial action
- give the employer 1 week's notice of the ballot starting
- invite all eligible trade union members to vote
- use a postal ballot, and follow voting paper format rules
- share the vote tallies with everyone who was eligible to vote
- tell the employer the result as soon as possible
- have an independent ballot supervisor, if balloting over 50 members

For the ballot to be successful, the ballot must also meet voting thresholds which include:

- at least 50% of eligible members must respond to the ballot
- at least 40% of eligible members must vote yes if they work for an important public service

## Taking action after a ballot

If a ballot is successful, the union has 6 months to take action. If the union wants to take action after that, they'll need to hold another ballot.

If action takes place without a legal ballot:

- the union could face legal action or be fined
- employees would not be protected from unfair dismissal if they took action

For more about balloting rules, check:

- [the Code of Practice for industrial action ballots on GOV.UK](#)
- [holding a ballot on GOV.UK](#), including how to complain about a ballot

## Who can take part in industrial action

If there's a successful ballot, any employees in the 'bargaining unit' can take part in industrial action.

The bargaining unit is the group of employees the trade union can act or decide specific things for, through a 'collective agreement'. This includes:

- trade union members who were asked to vote in the ballot – it does not matter if they voted, or how they voted
- non-union members who cannot vote, but can join any official action

To check if a collective agreement is in place, check the employee's contract, or ask the trade union or employer. This could cover all employees in an organisation, or a smaller group doing similar work.

Trade union representatives can also take part in industrial action.

Find out more about who can take part in:

- [strikes](#)
- [picketing](#)

## Dismissal and less favourable treatment

Employees who take part in an official strike and other industrial action have extra legal rights.

### Less favourable treatment

Employers should not cause 'detriment' to anyone who takes part in official industrial action.

Detriment means someone experiences one or both of the following:

- being treated worse than before
- having their situation made worse

Examples of detriment could be:

- their employer reduces their hours
- they experience bullying or harassment
- their employer turns down their training requests without good reason

### Unfair dismissal

Anyone who is [legally classed as an employee](#) is protected by law from unfair dismissal if they take part in official action.

If they are dismissed for going on strike for 12 weeks or less, it is an automatically unfair dismissal.

If someone is [legally classed as a worker](#), they cannot claim unfair dismissal. However, they might be able to argue that being dismissed because they went on strike was a detriment.

[Find out more about unfair dismissal](#)

## Get advice and support

As an employee, you can talk to your trade union representative if you're a member.

If you're a member of an employers' association like the CMI or FSB, you can contact them for advice.

Employers and employees can [contact the Acas helpline](#). We can talk through:

- any questions about strikes and industrial action
- your dispute and how we might help find a solution

## 2. Strikes

Going on strike is a type of industrial action where employees refuse to work.

An official strike is when a trade union has followed all the legal rules. This includes holding a ballot for members to vote.

A strike is unofficial if a trade union does not follow the rules, or employees take action that's not authorised by a union.

In an official strike, employees are protected by [industrial action law](#).

## Who can strike

Most people who take part in a strike are likely to be trade union members. But some other people might be protected by law if they choose to strike.

### Trade union members

Trade union members who were asked to take part in the ballot can choose to join an official strike. It does not matter if they voted in the ballot or how they voted.

### Employees who are not trade union members

Employees can join an official strike if they're in the same 'bargaining unit' as the trade union members. This sometimes just means working for the same employer.

If someone is not sure if they're allowed to strike, they can check with:

- their employer
- the trade union who called the strike

### Shift workers

If a shift worker is due to work on a strike day, they can choose whether to work or go on strike.

### Agency workers

Anyone working through an agency would not usually strike, because their employer is the agency.

They can choose to strike if they want to, for example if they do not want to cross a picket line.

If the agency or the hiring organisation are considering action against a striking agency worker, they should [get legal advice](#).

Agencies must not provide workers to cover work that people taking part in lawful strike action would usually do.

Agency workers already in place as part of normal business can carry on their work.

### Employees of other organisations

If someone goes on strike in sympathy with people who work for a different employer, this is called 'secondary action'.

Secondary action is unofficial action. If someone takes unofficial action they are not protected by industrial action law. However, they'll still have their usual employment rights.

[Find out more about unofficial action](#)

## Giving notice to strike

A trade union must give an employer notice at least 14 days before a strike starts.

## Asking employees and telling employers about striking

Employers can ask their employees if they intend to take part in a strike.

Employees do not need to tell their employer they're going on strike in advance. They also do not need to contact them on a strike day.

When they return to work, they should tell their employer they've been on strike.

An employee can change their mind at any time about striking.

## Pay

Employers do not need to pay anyone who is on strike.

Employees who go on strike will not usually get their pay or other contractual benefits like pension contributions.

In some circumstances, they might get money from their union. This is sometimes called strike pay. The amount of strike pay is up to each union.

## Holiday

Employers must pay if someone is on annual leave during a strike.

An employer could choose to cancel leave. They must give the employee notice. The notice must be at least the same number of days as the leave that's been booked.

[Find out more about asking for and taking holiday](#)

If an employer cancels leave, the employee can choose whether to work or go on strike.

## Sickness

If someone is off sick during a strike, the employer must pay them their usual sick pay.

If an employer feels an employee took sick leave without being sick, they could consider looking into it. If they're considering disciplinary action, they must investigate and follow a full and fair [disciplinary procedure](#).

[Find out more about sick pay](#)

## Other types of leave

An employee's leave and pay must not be affected by strikes if they're on:

- maternity leave
- paternity leave
- adoption leave
- parental leave
- shared parental leave

## Length of service

Going on strike does not break someone's length of service. But it does reduce it by a day for each day they're on strike.

For example, an employee might get extra holiday entitlement after 3 years of continuous employment. If they strike for 4 days, they might need to wait for 3 years and 4 days.

## Pausing strike action

A trade union might choose to pause strike action to try to resolve the dispute in a different way. In some cases the strike might continue later.

## Minimum service levels

The government has introduced rules around 'minimum service levels'. This is about keeping services running when there's a strike.

This might apply if you work in these employment sectors:

- border security
- decommissioning of nuclear installations and management of radioactive waste and spent fuel
- education
- fire and rescue
- health services
- transport

Rules are already in place for some areas of work and being proposed for others.

To find out if this affects you, ask your trade union or your HR department.

## Get advice and support

As an employee, you can talk to your trade union representative, if you're a member.

If you're a member of an employers' association like the CMI or FSB, you can contact them for advice.

Employers and employees can [contact the Acas helpline](#). We can talk through:

- any questions about strikes and industrial action
- your dispute and how we might help find a solution

Find out more about strikes and industrial action on GOV.UK:

- [holding a ballot](#)
- [taking part in industrial action and strikes](#)
- [if your business faces industrial action](#)

## 3. Picketing

A picket line is where workers and trade union representatives stand outside a workplace to tell other people why they are striking.

## Who can join a picket

Employees taking part in strike action can join a picket line at their workplace. This includes:

- trade union members
- employees in the same 'bargaining unit' as the trade union members – this is the group of employees represented by the trade union

Trade union officials can also join a picket.

## Crossing a picket

It's up to the person entering the workplace to decide whether they want to cross the picket line.

Picketers must allow people to enter the workplace if they want to.

## Employees represented by the trade union

If an employee is part of the bargaining unit represented by the trade union, they can decide to either:

- cross the picket and continue working
- not cross the picket and strike

If they work from home or another site, they might not have to cross the picket line. But they do need to decide whether to strike or not.

[Find out who can take industrial action](#)

## Other employees, suppliers and people who need access

Other people can cross the picket, including:

- employees who are not eligible to strike
- anyone needing to deliver goods or services to the workplace

If they decide not to cross the picket, this is called 'secondary' or 'sympathy' action.

Secondary action is unofficial action. If someone takes this action they are not protected by industrial action law. However, they'll still have their usual employment rights.

[Find out more about unofficial action](#)

## If it's a shared premises

Employees can picket outside a workplace that shares an entrance with other workplaces not involved in the dispute. In this situation, the picket line should not affect anyone going to the other workplaces.

## Picket line rules

By law, people taking part in a picket can peacefully:

- talk to people wanting to enter their workplace
- explain why they're striking



- ask people not to cross the picket line

Picketers must not:

- block or stop anyone entering the workplace or doing work
- stop any vehicles entering the premises
- threaten or abuse anyone

The full rules on picketing are covered by [the picketing Code of Practice on GOV.UK](#).

Each picket must have a supervisor appointed by the trade union organising the picket.

The supervisor is responsible for the people on the picket following the rules. They must be at the picket, or available to attend at short notice.

Talk to the picket line supervisor if:

- you're picketing and want to check what to do on the picket line
- you have any questions about the picket line
- you feel there's an issue with the picket line

As a picket supervisor, you can:

- get advice from your trade union
- read [the picketing Code of Practice on GOV.UK](#)
- [get tailored support from Acas](#)